Supreme Court, U. S.
FILED
AUG 12 1974
MICHAEL RODAK, JR., CLERK

APPENDIX

VOLUME V

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

No. 73-1462

MARK WHITE, ET AL.,
Appellants

V.

DIANA REGESTER, ET AL.,,
Appellees

MARK WHITE, ET AL.,
Appellants

V.

FRANK A. ESCALANTE, ET AL.,
Appellees

MARK WHITE, ET AL.,
Appellants

V.

JAMES GASKIN, ET AL.,
Appellees

MARK WHITE, JR., ET AL.,
Appellants

V.

WANDA L. CHAPMAN, ET AL.,
Appellees

Appeal from the United States District Court
for the Western District of Texas

FILED JANUARY 30, 1974

PROBABLE JURISDICTION NOTED MAY 28, 1974

WANDA L. CHAPMAN, ET AL)
VS.) C.A. NO. A-73-CA-155
MARK W. WHITE, JR., ET AL)

Answers and deposition of CLEVELAND NISBY, a witness in the above-styled cause, called by the Plaintiffs, which deposition was taken on the 8th day of November, 1973, at the Ridgewood Motor Hotel, Beaumont, Texas, pursuant to the following stipulation:

APPEARANCES:

HON. DAVID R. RICHARDS, Attorney at Law, 600 West 7th Street, Austin, Texas 78701, appearing in behalf of the Plaintiffs.

HON. ELIZABETH B. LEVATINO and HON. TOM BLACK, Assistant Attorneys General of Texas, Supreme Court Building, Austin, Texas, appearing in behalf of the Defendants.

CHARLOTTE SMITH, Court Reporter.

S T I P U L A T I O N

IT IS HEREBY STIPULATED AND AGREED by and between Counsel for the parties hereto that the deposition of the Witness herein named may be taken without the necessity of Notice for said deposition, and that said deposition is taken with the same force and effect as though all formalities of law had been complied with.

IT IS FURTHER AGREED that any and all objections to the questions and/or answers will be made upon the taking of this deposition.

IT IS FURTHER AGREED that the signature of the witness herein is waived, and this deposition may be returned into Court and used upon the trial of this cause with the same force and effect as if the applicable Federal Rules of Civil Procedure with reference to the return hereof had been fully complied with; all formalities regarding the return of said deposition into Court are waived and same may be returned by filing same with the Clerk of the District Court of the United States, the District and Division heretofore set forth.

* * * * * * * * * * * * *

CLEVELAND NISBY,

having been duly sworn, testified as follows, to-wit:

EXAMINATION BY MR. RICHARDS:

Q Give us your name.

A Cleveland Nisby.

Q Where do you live, Mr. Nisby?

A 2440 Cartwright Avenue, Beaumont, Texas.

Q How long have you lived in Beaumont, Mr. Nisby?

A Fifty-two years. About fifty-three years.

Q Let's see. You are currently the President of the Beaumont Chapter of the NAACP?

A That's correct.

Q Roughly, how long have you been President?

A Six years.

Q I think you've told me that you have been active in leadership in the Chapter for some twenty years?

A Over twenty years.

Q You are employed at Mobil Oil?

A Right.

Q The big Mobil refinery here?

A Yes.

Q Employed there I believe you told me some

thirty-two years?

A Yes.

Q First, as to Mobil, when you went to work there what was the circumstance in terms of seniority systems between Blacks and whites?

A When I was hired at Mobil prior to the election of a Bargaining Unit, we had no system. The Company did recognize Company seniority only at that point.

Q Once there came to be Collective Bargaining Contracts which had seniority systems, what was the pattern?

A The policies and patterns then were dual lines of promotion.

Q By that you mean separate seniority lines for Blacks and whites in the plant?

A Completely segregated lines of progression and facilities as such.

Q You mean washrooms, restrooms?

A Yes, everything.

Q Am I correct that the separate lines of seniority resulted in Blacks not having access to higher rated jobs and promotions to better paying jobs?

A No. Let me back up now. Just prior to the

election to go into the Bargaining Unit, Blacks did have jobs in the skilled departments. There were Black painters, Black pipefitters, Black machinists.

Q This would've been in the Forties I guess?

A No, this was in the Thirties, late Thirties. This was during the Thirties. At that point it seemed like there were some easing up off of the depression, and there were no -- Whites had no gripe and no concern about the type of work that Blacks did at that particular time. We were all too poor to be complaining about racial problems at that point.

After the election to go into the Bargaining Unit, somewhere overnight all of the Blacks were taken out of the classified jobs which they previously held and put into semi-skilled jobs with single lines of progression. Well, dual lines compared to white.

Q But am I correct in saying that once that happened that that in effect cut off or restricted Black promotions?

A This is true. This happened during the choosing the Union as a bargaining agent for the employees.

Q And this dates back to the Forties I believe you told me?

A Around '42 or '43, something like that.

Q After that date at Mobil refinery there were separate lines, segregated lines of seniority systems in the refinery for Blacks and whites, is that correct?

A That's true.

Q Isn't it also true that there were Black and white Locals of the OCAW that represented the employees?

A That's true, within the same plant.

Q In the same plant, and I take it that no Blacks belonged to the white Union and no whites to the Black Union?

A That's right.

Q Was this the pattern in the other refineries in the Jefferson County area?

A In the entire Jefferson County, this was the ---

Q This pattern of segregated lines of seniority was the pattern?

A Yes, this was the facts.

Q Now, that pattern continued in terms of separate Locals until what date? Let me refresh your recollection. Was it around 1960?

A Yes, this continued until -- During the Eisenhower Administration, who issued the Executive Order, first through the Armed Forces, through non-discriminating practices in the Armed Services, and then later on it went to the industries that were doing business with the Government, the Defense Department of the United States Government.

Q If you will accept with me that that Executive Order issued about 1956--

A Yes.

Q --then is it fair to say that some time between 1956 and 1960 that the segregated Locals were eliminated and there was a merger of the Black and white Locals?

A Not without some action, not without some cases being filed, charges being filed against the Company with the U.S. Department of Defense as non-compliance to the Executive Order, which meant that a company would have to forfeit its Government Contract if they were discriminating.

So this brought about ---

Q You actually filed some of these charges?

A Yes, I processed them through the regular channels.

Q Later then were similar charges filed with respect to the employment practices?

A Yes.

Q That is, the separate lines of seniority?

A Yes. There were charges constantly filed, even up to this date. Not in the bulk sense as it was during that time, but there are some cases ---

Q Still hangovers, in effect?

A Yes.

Q Remaining effects of the old dual seniority system?

A Yes, that's true.

Q I believe you told me that this year there is still a case that has just been recently settled involving Texas U.S. Chemical here in Jefferson County?

A Yes, this year they were brought to Court.

Q On the old separate segregated system of seniority?

A On the old separate dual lines of progression.

Q Taking you a little fast, but let me see -- Is it fair to say that that pattern that was present in the industries in Jefferson County of segregated Locals and separate lines of seniority continued at least into the middle or

early Sixties as being relatively standard procedure?

A Yes.

Q Did the elimination of the separate lines of seniority which would as I understand permit for the first time Black employees to utilize their seniority to bid for jobs held by white employees, did that create hostility and tension between the whites and the Blacks in this County?

A Yes. Let me explain what happened during the first attempt to correct that situation.

The agreement between the Union and Management was that the Blacks in the Black Local - we would merge, but we would go into the white Union with no seniority, with one day's seniority. Though we had been there, some employees, twenty or twenty-five years. We lived under that for five years before we could get the seniority restored to plant seniority which was ---

Q They kept you under departmental seniority, is that what you're saying?

A No, not departmental seniority. We had plant seniority. So after the merger we began in the single line of progression with one day's seniority so that all the whites that were in

there who were junior employees to all of the senior Black employees ---

Q You were frozen in the position?

A Yes, they could move up to jobs until they seeked all of the jobs that were available that were offered that came up for bid, and the Blacks had to build seniority onto the one day.

Q And this continued into the middle of the Sixties?

A Yes.

Q Was this true throughout the refineries in the Jefferson County area?

A Yes, this was a national union problem that we had along with Management.

Q If memory serves me there was involvement at that stage by the present committee on employment that had been created later by the Kennedy Executive Order and then presumably finally by the Civil Rights Commission itself after it got responsibilities under Title VII, is that right?

A That's true.

Q And all of these things took laborious negotiations?

A Yes, it took a total of five years to be more exact.

Q And the refinery -- Without going into it, I take it that the single biggest industry in this County are the oil refineries and the related petro-chemical industries?

A That's true, that's the major employment.

Q And the pattern that you have described existed virtually in all of these industries during this period of time?

A Yes.

MR. BLACK: I'm going to say this since you keep repeating and asking the same question over and over, if we are not going to get ample time to cross-examine this witness, we're going to object to the whole deposition.

MR. RICHARDS: Cross, right now. You have it.

MR. BLACK: Are you through?

MR. RICHARDS: No, but if you're going to object to the deposition, I want you to have an opportunity to cross-examine. There is no dispute about this. There are judicial records standing six feet

high down here; it's been one of the major problems in the United States. I want you to have him on cross right now. That's fine.

MR. BLACK: Are you through with your questions?

MR. RICHARDS: No, I'm not through, but I want this deposition in, so if you want to cross, I want you to have it.

EXAMINATION BY MR. BLACK:

Q Mr. Nisby, these conditions that you've been describing about Mobil and the industry in which you work, as deplorable as they may be and as unfair as the conditions you have described may be, there is not any of them that would've been changed by having single-member districts in Jefferson County, are there?

MR. RICHARDS: Excuse me. We will stipulate to that. This is obviously not a matter that we contend is in the control of -- It may or may not have been, but we are not contending that the

Texas Legislature had any role to play in altering the condition.

MR. BLACK: Well, that's the only question I have. If they don't have any relevance to the issue in this case, we will object to this ---

MR. RICHARDS: Well, we think it's overwhelmingly relevant to the issues in this case which is the political complexion of this County.

MR. BLACK: But you do stipulate that the single-member district ---

MR. RICHARDS: We are not arguing that the presence or absence of single-member legislative districts in Jefferson County are involved in any significant way in this problem. I mean, if there had ever been a bill introduced in the Texas Legislature concerning fair employment practices, it is conceivable, but I don't know that one was ever introduced.

Our point is not that. Our point is the pattern of this County.

A May I say something to that?

MR. RICHARDS: Sure.

A I think your question does merit some consideration. I recall under Preston Smith and Rufus Kilpatrick was the Representative at that time - they passed some bills to invoke the Charter of the NAACP, and all other Civil Rights organizations in Texas. I have a copy of that. I don't have it with me.

MR. RICHARDS: That would have been in '57 when they passed the -- We're going to have of record the '57 legislation which attacked the NAACP, and you are quite right that the legislators in this County voted for it and we have that of record.

A This was during these periods.

Q It was this one time in '57, wasn't it?

A We say that the actual passing of the bill was this one time -- Is that what you're saying?

Q Well, I'm asking. I'm not saying. I'm asking you the questions.

A Yes, this is true, but in doing that it also sets the climate for the citizens here to constantly rebel to what had no rights under the Law. This was the denial of equal opportunity by legislators.

MR. RICHARDS: I want to tender Mr. Nisby fully on cross at this point for any other questions that you have because I want this much of the deposition to be clearly completed, and if you all have other questions ---

MR. BLACK: That's all the questions we have on the basis of his testimony to this point.

RE-DIRECT EXAMINATION BY MR. RICHARDS:

Q Mr. Nisby, let me see if we've got an answer in on one question.

The breaking down of the separate lines of seniority, am I correct that -- Is it fair to say that -- And the opening up then of white jobs to bid by Black employees - that this created or heightened racial tensions or racial hostilities in the plants in Jefferson County?

A Yes, it did.

Q Does some of it still exist?

A It exists to this day. The results is that in no one union throughout this County -- Well, in each plant Blacks cannot win an office in the Local Union, President or ---

Q Even within the Local Union?

A Yes.

Q And you attribute that in part to the ---

A To the hostile feelings of people within the plant who are members of the Bargaining Unit and who are citizens of Jefferson County.

Q Mr. Nisby, you talked about a couple of other aspects of local segregation. There was a time at least when -- Was it the City that maintained Black and white libraries, is that correct?

A Yes. I might add to what has been previously stated by Reverend Oliver that during the --- Well, prior to the 1964 Civil Rights Law we attempted to integrate or to make use of the public accommodations in downtown, the lunch counters. Some months of negotiation and conciliation with the Chamber of Commerce and the merchants of the City to open their lunch counters to Blacks, and they refused, and conciliation broke off and we had to boycott, picket, the stores with lunch

counters as well as the library which the City operated two libraries. There was an annex for Blacks which was some six to seven blocks from the City Public Library which was downtown.

Q This was again in '63 or '64?

A Yes, in '63, the spring, something like that, and Blacks were arrested when they attempted to use the library as well as arrested when they attempted to sit at the lunch counters.

Well, all of the major apparel shops that had lunch counters, after the chain stores which were - I think it was Walgreen's and Kresge and Morgan & Lindsey agreed to open their lunch counters, your big department stores tore out their lunch counters rather than serve Blacks, and they are out until today. So we had to boycott, and we called all of the credit cards and we quit doing business with these major companies at that point.

MR. RICHARDS: I think that's all the questions I have.

MR. BLACK: No questions.

(WHEREUPON THE DEPOSITION WAS CONCLUDED)

* * * * * * * * * * * * *

THE STATE OF TEXAS :
COUNTY OF JEFFERSON :

I, CHARLOTTE SMITH, a Notary Public in and for the County of Jefferson, State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the above and foregoing answers of the Witness, CLEVELAND NISBY, to the questions propounded were made before me by the said Witness, after having been first duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth, and the same were thereafter reduced to typewriting under my direction by Loretta Rider; that the foregoing deposition is a full, true and correct transcript of the proceedings had at the time of the taking of said deposition.

I further certify that I am neither attorney nor counsel for, related to nor employed by, any of the parties to this action in which this deposition is taken, and further that I am not a relative or employee of any counsel employed by the parties hereto, and am not financially interested in the action.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th day of November, 1973.

_____

My Commission Expires: June 1, 1975.

WITNESS'S CERTIFICATE

THE STATE OF TEXAS:

COUNTY OF JEFFERSON:

I CLEVELAND NISBY, hereby certify that I have read the foregoing transcript of my testimony given in the foregoing numbered and styled case and that same is true and correct to the best of my knowledge and belief.

That all corrections have been made and initialed by me.

This 28th day of November, 1973.

/s/ Cleveland Nisby
CLEVELAND NISBY

SWORN TO AND SUBSCRIBED BEFORE ME, this 28th day of November, 1973.

/s/ Charlotte Smith
NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CURTIS GRAVES, ET AL.
VS. Civil Action No. A-71-CA-142
BEN BARNES, ET AL.

DIANA REGESTER, ET AL.
VS. Civil Action No. A-71-CA-143
BOB BULLOCK, ET AL.

JOHNNY MARRIOTT, ET AL.
VS. Civil Action No. A-71-CA-144
PRESTON SMITH, ET AL.

VAN HENRY ARCHER
VS. Civil Action No. A-71-CA-145
PRESTON SMITH, ET AL.

FRANK A. ESCALANTE, ET AL.
VS. Civil Action No. A-71-CA-115
MARK WHITE, ET AL.

JAMES GASKIN, ET AL.
VS. Civil Action No. A-71-CA-146
MARK WHITE, ET AL.

WANDA L. CHAPMAN, ET AL.
VS. Civil Action No. A-71-CA-155
MARK W. WHITE, JR., ET AL.

* *

APPEARANCES:

MR. DAVID R. RICHARDS, Attorney at Law, Austin, Texas
MR. R. JAMES GEORGE, JR., of the law firm of Graves, Dougherty, Hearon, Moody & Garwood, Austin, Texas
For the Plaintiffs

MS. ELIZABETH LEVATINO, Asst. Attorney General, 7th Floor Supreme Court Bldg., Austin, Texas
MR. TOM BLACK, Attorney at Law, Austin, Texas
MR. LARRY YORK, Asst. Attorney General, 7th Floor Supreme Court Bldg., Austin, Texas
For the Defendants

* * * * * * * *

ANSWERS AND DEPOSITION OF TERRY DOYLE, a witness called by the Defendants, taken before Dwain Coffey, Certified Court Reporter in and for Travis County, Texas, on the 19th day of November, 1973, beginning at 2:00 o'clock, p.m., at the 7th Floor of the Supreme Court Building, Austin, Texas, pursuant to the agreement hereinafter set forth.

Duplicate Taken November 19, 1973

I N D E X

WITNESS: PAGE

TERRY DOYLE

Examination by Ms. Levatino..... 3
Examination by Mr. Richards..... 28
Examination by Mr. George..... 45
Further Examination by Mr. Richards.... 48
Further Examination by Ms. Levatino.... 49
Further Examination by Mr. George..... 52

E X H I B I T I N D E X

EXHIBIT NO.	DESCRIPTION	PAGE MARKED	PAGE OFFERED	APPEARS
DX-1	Census Tract	4	27	Appear on back cover of original.
PX-1	House Bills	40		
PX-2	House Bills	40		

---o0o---

A G R E E M E N T

It is agreed by counsel for the respective parties hereto that time, notice and all other requirements of the Texas Rules of Civil Procedure pertaining to the taking of oral depositions are waived, and that the deposition of the witness named in the caption hereto may be taken at this time and place and may be used on the trial of this case the same as if the witness were present in Court and testifying in person.

It is further agreed that all objections as to the substance of the question are reserved until the time of the trial of such case.

It is further agreed that when said deposition has been transcribed the same shall be delivered to the witness, or his attorney of record, to be by the witness carefully read and signed before any Notary Public and thereafter returned into Court; however, if said deposition has not been so read, subscribed and sworn to by the witness by the time of trial of said cause, said original deposition or a true copy thereof may be offered in evidence upon such trial with the same force and effect as though the same had been so read, subscribed and sworn to by the witness.

TERRY DOYLE,

said witness, after having been duly sworn, was called as a witness by the Defendant, and testified as follows, to-wit:

EXAMINATION,

By Ms. Levatino:

Q Would you state your name?
A Terry Doyle.
Q And you are presently a state representative?
A Right.
Q From the --
A Jefferson County, District 7, Place 1.
Q Okay. Mr. Doyle, would you give us a brief description of your past political activities in Jefferson County on all levels of government?
A In my second term as a member of the Texas Legislature. I was elected the first time in 1970 and again and served the full 62nd session starting in '71.
Q Okay. Did you serve in any other elected or appointed political positions in Jefferson County or subdivisions?
A I was an Assistant District Attorney from May of '63

until February of '66.
Q Have you been involved in any political campaigns other than your own?
A In about '64, '5, there was a proposed election to establish a Junior College in South Jefferson County and I was quite active in that, and was a candidate to be a member of the Board of Trustees, whatever they call it. It failed.
Q The bond election failed?
A Right.
Q And your candidacy along with it?
A No, I would have been a member of the board.
Q Okay. I am going to offer, if you want to see it, this is Jefferson County Census Tract as prepared by the Texas Legislative Council showing District 7 of the State House of Representatives and ask you to --
A I am familiar with it.

MS. LEVATINO: Would you mark that?

(Whereupon, Defendant's Exhibit No. 1 was marked for identification)

Q Mr. Doyle, would you indicate generally on the map the

location? You don't have to name all the census tracts, that's north, south, east, west of the ethnic or racial groups where they are located in District 7.

A Okay. Jefferson County, really, when you speak of racial or ethnic groups, you are really talking about black people and white people. Our minority population of other ethnic groups are almost uniformly scattered throughout the county completely. The only minority groups who live in any concentrated areas are black people, and they would live in what is the northern part of Beaumont. There are a significant number of black people living in concentrated areas. The same is true of the southern part of Beaumont and predominantly the western part of Port Arthur from say Woodworth Boulevard, which runs from the canal north to -- well, actually it runs all the way to Beaumont and from Woodworth Boulevard from the southern edge up to about the KCS Railroad track and west from that line of Woodworth Boulevard, there is another sizeable Negro group. Also, in the area which is identified as Census Tract 116, there would be a size which is west but north of the area I just described. A sizeable area of Black people.

Q In terms of all of Jefferson County, although, not, I

understand, all of Jefferson County is in District 7, what would be the percentage of racial population?

A I would think about two-thirds white, about one-third black.

Q About 33 percent?

A Well, I wouldn't want to get down to that. It might be 30 percent, it might be 35.

Q Okay.

A I would guess about a third.

Q And they are generally located in the areas which you have just described?

A Well --

Q Of the black population?

A That's -- that's accurate, but it's -- it's really not accurate. Beaumont is a big city. It has 100,000 people in it and there are areas in Beaumont, for instance, they have what they call the south end and they have got what they call the north end, and they have got another area of Beaumont which is referred to as the Pear Orchard. This is where they have a large number of black people living, but, generally, you could say there are black neighborhoods. Neighborhoods where the population is predominantly black and the north part of Beaumont -- really in the northwest part of

Beaumont and if you look at it the way I am looking at it in the northeast, the southwest and the south and the southeast parts of Beaumont are significant numbers of black people.

Q Okay. In your experience in running for the legislature, what was the procedure for determining whether or not you were going to run? Did you contact any particular identifiable group for their support? Is there a slating system operative in District 7?

A There is no slating system that makes any difference. In my first campaign, there were six people in the race that I was in in the first primary. In years past, in legislative races, organized labor has traditionally had a slate from the Governor's Office down to the House Offices. And Presidential Offices, and that's a factor in a campaign in Jefferson County. I think it's considerably less a factor now than it was, say, 15 years ago. Considerably less 10 years ago than 15 years ago, for instance. For instance, in my race, I was not their choice and won. Other than that, if you want to call it a slate group, I don't think -- I have never seen one. Now, in each primary which I have run, there have been slate cards, is what I call them, issued by some of the black groups. South end voter's league, it seems

to me, put one out. The south part voter's league put one out. Another one was put out by somebody in the north end. One of the black political clubs. I never had thought they were very effective, any of them. You inquired as to what groups I talked to when I start campaigning and I think I probably do it like most people. You just start talking to as many people that you think can influence the vote of other people as possible. Though Jefferson County is relatively urban, you still have to kind of knock on doors down there and you contact people, you know, doctors, lawyers, bankers, real estate people, preachers, plumbers, black people, white people; just any number of people. I have a list which I keep on a yellow pad, as a matter of fact, with probably a hundred names on it; maybe two hundred names on it that I saw individually.

Q Okay.

MR. RICHARDS: This is a list retained that he saw individually? Is that what he is saying?

A I don't know whether I still have it or not. You know, that's the way I went about it. I would talk to, you know, make an effort to talk to people from every

community, you know, Jefferson County has a lot of cities in it. You need to see somebody that is a factor in Lakeview, a factor in Goodman Park, a factor in the Pear Orchard, a factor in the north end, a factor in the south end. You just see as many as you can.

Q Okay. You have mentioned that there were some slate cards distributed, however, by certain black groups in Jefferson County. Was your name on any of these slate cards?

A Yeah.

MR. RICHARDS: I am not sure this is as form of substance but I am going to object to it in terms unless the witness -- unless you are prepared to produce a slate card. Which I think the best evidence is the slate cards themselves.

THE WITNESS: I might find one.

MS. LEVATINO: We will attempt and if we can get it we will introduce it.

A I can tell you -- I can tell you how you can find that made them up.

Q Well, that's okay. Do you think you can locate one of the slate cards?

A I don't know, I really don't know. I might have -- might have one.

Q Then, as far as from your memory, do you recall whether or not you were on one?

A Oh, I know I was. You mean for or against?

Q For.

A I have been on both.

Q Okay. In both of your legislative races?

A Yes. No, in my last race I really don't remember. I would guess from the votes, the way it turned out, if there were any, I was, you know, they were for me because I did real well in those precincts where they were distributed.

Q Okay.

A In the first election I saw -- I remember specifically seeing one in which I was, you know, they were saying vote for this guy. Another one where they were saying vote for my opponent.

Q Okay. Going back to the labor endorsements, which you spoke of earlier, did you say that you had never received an endorsement of labor?

A I did against a republican.

Q Was this in a general election?

A Yes, but down there that has -- that is not a factor.

That has not been in legislative races. The republicans have not won and have not, up to this point, really come close.

Q Okay. Had you sought the endorsement of labor?

A You don't really seek it. The big one that really counts is the one that is called the Sabine Area Labor Council, and it's actually, it's made up of more than just one county, but I guess it's probably a district of the AFL-CIO. I really don't remember, or part of a district region or something, and it's a group of many labor locals and they write people who have announced that they are going to be candidates a letter and say please come to the so and so place. The two times that I remember going, it was at the old CAW Hall in Port Neches and be there such and such a day and such and such a time and you go in and appear before their group and ask questions about your views on various issues and I answered their questions, and, you know, asked them to vote for me and that was the extent of it. Because I would have asked anybody to vote for me when seeking public office and the first go around they endorsed another fellow in the race, and it seems to me in the last go around, they didn't endorse, if I remember correctly.

Q Okay. To your knowledge, does the Sabine Area Labor Council, in addition to endorsing people, solicit anyone to run for public office?

A Not to my -- no, I am sure they didn't.

Q Okay.

A I say I am sure they don't; I am not a member of that organization and I am not privileged to their meetings and discussions, but it's -- I am confident I would have known of it.

Q Okay. To your knowledge, does the Sabine Area Labor Council involve itself with any of the local races beyond the representative races?

A They have on occasions. And I can't cite you any examples because I don't remember which races that was done in, but it seems to me that I remember it because they were unsuccessful.

Q Okay. But you don't recall?

A It seems to me as though they got in a sheriff's race one time.

Q Okay.

A And it seems to me as though they got into a constable's race one time and they were most unsuccessful in the sheriff's race.

Q Okay. In your campaign or in other campaigns which have

been going on generally the same time you have been involved in, can you recall any specific issues which were part of the campaign related to race or ethnic problems or minority problems?

A In the -- in my races, none that I know of. I never had -- I never campaigned on the basis of color. I actively sought the support of people, you know, black people, white people, labor leaders, management leaders, and I -- I don't remember any were any legislative races.

Q Okay. When you say you actively sought their support, would this include going to that area of town or organizations in that area?

A Oh, my goodness, definitely. Hours and hours and hours.

Q Would it also include advertising and whatever journals or media was available in that area?

A Right. And the minority groups -- let's see. There is one newspaper, that is a weekly, that is slanted definitely toward the black population, is published locally and I ran ads in their paper. There is another one that is printed in Houston.

MR. GEORGE: I would like to object to that unless he can produce the ads. You know, if

you have those ads.

MS. LEVATINO: Okay.

A I am certain I could come up with them.

Q Okay.

MS. LEVATINO: We will attempt to get those and put this in as exhibits for the trial.

A You would find many ads by many politicians. There is another one -- newspaper that is printed, I think, by black people and distributed locally called The Forward Times. I remember the name of it and it's, I think, printed in Houston and they have an addition which they send into the Beaumont area and Port Arthur, and, I think, I think I bought ads in that one also.

Q Okay. If you can locate any of those ads, would you --

A Yeah, but would you start making a list of the things that I'm supposed to find?

MR. BLACK: I would like to add this on those objections. We will make an effort to find those ads, but we are not conceding your objection as good because I don't think it is.

A I am sure they must keep copies of that sort of thing.

Q Yeah, I am sure we can get them.

A It's on Washington Boulevard right next door to Elmo Willard's office.

Q I think we are all familiar with Mr. Willard.

A His phone number? I know that, too.

MS. LEVATINO: Mr. Larry York just walked in. You might want to note that.

Q Can you recall any other campaigns in Beaumont in your area other than legislative campaigns where definitely -- where the issues may be definitely described as racial?

A Well, there is -- there was a rumor that recall effort in Beaumont for the Mayor's office recently. Where, according to what I read in the paper, there was what some people would describe as a racial overtone, a problem about constructing a street without constructing sidewalks that ran through a residential neighborhood that was predominantly black. I am sure there have been -- there may have been others.

MR. GEORGE: Again, we have a problem here of

exactly how to handle, obviously, his rumored testimony here and the testimony from the newspapers at least is hearsay and whether or not he has been qualified to express his opinion on what comes to a racial or nonracial characteristic of campaign doubts and I would like to object to that last question and answer.

A That's --

Q Okay. Would you --

A That's probably not a good example. That's really not a campaign and your question was about campaigns. There was a slate card type election in the Port Arthur Independent School District's School Board race about three years ago where there was -- there was a concentrated effort on two groups. One of which was predominantly made up of black people and which had a white candidate on their slate, and another group of, you know, which was all white people and they had a slate and the busing was a big question, you know, about that time, if you will remember. I guess you would call that a racial problem.

Q Would you -- are there any other offices locally in Beaumont or Port Arthur in which a black holds an

elected office?

A Yes, there is a black on the Port Arthur Independent School District School Board and on both Beaumont and South Park. There is two school districts in the City of Beaumont. The senior member, the member with the most longevity of the Port Arthur City Council, is a black man; like 10 or 15 years, who was mayor pro tem. I don't think he is now. Beaumont City Councilmen, one of them is a black man who, I think, was mayor pro tem last time.

Q What about, are there any blacks in any of the courthouse offices?

A Not elected.

Q Not elected, okay.

A Appointed.

Q But not elected, okay. When you ran in your last two races, what percentage of the black vote did you receive?

MR. BLACK: If he knows.

Q Yes, if he knows.

MR. RICHARDS: Let's separate out primaries and general elections while we are at it.

MS. LEVATINO: Okay.

A The general election would not be very reflective because I had a republican opponent and I got like 75 percent of the vote.

Q I was speaking really of primaries.

A And my last primary, I would say probably about the same as I carried in the rest of the county.

Q Which was --

A About 70/30.

Q So, you received about 70 percent of the total vote?

A Yes, against another incumbent.

Q Okay. Can you --

A If I remember correctly, and I am sure the figures are easily available, I think my percentages in the predominantly black precincts would be about the same as they were in the white precincts.

Q Okay. During your two terms as a legislator, have you ever been approached by any member of the black community with regard to any issues, whether local or ones which were in the -- that were being considered in the State Legislature as to supporting your position or opposing your position or requesting you to take a position?

A During this session, I was approached one time by a young lady who was black on some sort of a school type issue, college issue of some kind.

Q Did it relate --

A I don't think she was even from my district. I don't recall having been called. I don't recall even receiving a letter from anyone in my district which identified them by race, which I even knew, you know, was a black man or -- some of the black people that I see on a, you know, off-and-on, not daily basis but a frequent basis, you know, conveyed their opinions to me on various issues, but I don't recall any of what you would consider minority type problems.

Q Okay. Do you recall any issues during this last legislative session which could be considered issues, which could have a significant importance to a minority group on which you voted and do you recall your vote on those issues?

A Well, we had some busing resolutions again.

MR. GEORGE: I would like to object to that unless you can relay some kind of predicate of what you consider -- and get him to tell us what he is talking about.

Q What type of issue would you consider a race oriented or an issue of specific importance to a racial or minority group that might have come up in the legislature?

A Oh, I guess, the one that got the most press was probably bilingual education.

Q And would you explain that?

A One which Mr. Truan, from Neuces County, introduced a bill which would have provided more state funds for teaching in the public schools and two languages in some of the primary grades, and it was -- it was -- it received quite a lot of publicity and, although that's not a significant factor in a district I represent, because we don't have any -- any type of problem related to Mexican-American people and --

Q How did you vote?

A I voted for that bill, if I remember correctly. There were a number of votes taken by, you know, I understood but you would have difficulty, perhaps, interpreting them on attempts to introduce and get votes on busing resolutions. A subject which is particularly painful to most legislators.

Q Excuse me. By busing resolution, do you mean a resolution showing an intent not to bus?

A Right.

Q For desegregation purposes?

A Right. And I don't remember -- I can tell you what my thoughts are, but there is no way I could recall the votes because the vote might be on a motion to table somebody else's amendment. I understood what was going on but which you would have a most difficult time interpreting.

Q Do you recall or would you consider a bill which would remove a long standing prohibition against members of one race adopting children of another race?

A Yes, I would.

Q And was that bill before the legislature?

A I cannot remember that bill. I remember something about the subject. I do remember that there was not much controversy. I probably voted for the bill. I know the lawyer had reference to it and my recollection is that we changed it and my recollection is that I was in favor of changing it.

MS. LEVATINO: The House Journal would reflect that if you want it.

MR. GEORGE: Do you have the House Bill number?

MS. LEVATINO: Yes, sir. House Bill 49.

Q Do you recall a bill sponsored by a black member of the legislature to require price listing on the sale of retail drugs? It was House Bill 750.

A Mr. Leland of Harris County carried that bill. I do remember the bill and there were a number of votes taken on that bill on various parlimentary maneuverings, if I remember correctly. I was for that bill.

Q So you did vote for --

A That's how I remember it.

Q Okay.

A That's a thousand votes ago, but --

Q Okay. In Jefferson County, do you have an awareness of general voter turn out as to black, or minority voters, and white?

A Yes.

Q Would you characterize the black voter turn out as higher than the white?

A Significantly lower.

Q Does this depend on the candidate that may be running? Do you recall any difference in that turn out?

A No, I think -- I think that -- I don't have the figures, but I would think it would not. Since I have been following politics, I have noticed that. It's significantly lower. In 1970, the year I ran the first

time, there was a concerted effort by a number of black people who I think did a fine job. I remember a little lady named Margaret Plummer whose house I went to and knocked on her door and asked her to vote for me who registered personally -- this may sound ridiculous, but it seems to me it was in excess of a thousand people, black people, and county registration was up over a hundred thousand which is a huge -- 103,000, I believe it was, and their voter turn out in predominately black precincts was significantly lower than the white.

Q Okay. When you campaign, what elements of the media in terms of expenses do you incur?

A We have three television stations which you must use because all of them have a significant portion of the ratings. There are about eight or nine radio stations. There are two daily newspapers, there are two less than daily, one publishes weekly and one publishes biweekly in the mid county area. There is a newspaper put out by the Roman Catholic Church of which I advertise in and not many politicians do, by the way. And two black publications that I have referred to earlier. To win, you need to cover it adequately. You need to spend some money in all of them, every one of them.

Q If District 7 were comprised of, just for example, one

city, Beaumont, and one city, Port Arthur, which of these media expenses could you eliminate?

A None.

Q Why is that?

A Because there are -- every radio station in the county can be heard throughout the county. For instance, probably the most successful and most influential radio station in the county is one owned by a black man and run by black people and it caters specifically to black audiences, and they charge high prices for their ads, real high. And you just -- you would have to go with both daily newspapers, Beaumont and Port Arthur. You might get by without the Port Arthur News, which is the Port Arthur daily paper running in a Beaumont district, but you would be taking a risk because they have a significant number of subscribers in Beaumont. You couldn't run in Port Arthur without using the Beaumont Enterprize, which is Beaumont's daily paper, because it's a morning paper and it has several thousand subscribers in Port Arthur. So, you would have to stay with those. You couldn't -- you couldn't eliminate any of them.

Q Okay. In your campaigns, do you utilize mail outs to members of the district?

A No, it is too expensive.

Q Would you, in your opinion, if the district were smaller or in half, would that be a factor to use mail outs?

A I would attempt to avoid mail outs. I think that this is just one guy's opinion, that the return for your dollar is too low no matter how small an area you are running in.

Q Is that because of the mailing cost?

A Yes.

Q Okay.

A You figure a mail out at a minimum of a quarter a piece and that's a lot of money. That's a whole lot of money.

Q In your campaigning, do you utilize what's generally known as door-to-door or hand-shake type of campaign?

A You definitely have to in Jefferson County. It still -- up until this time when they took the western rural area away from what I now represent, you would spend several days campaigning in that part of the county. Now, I still spend a large amount of time doing exactly that. You go -- you know, you pick out a neighborhood, you see the guy that runs the cleaners. You are not going to -- you might win without doing that but I

don't see how.

Q To your knowledge, do other legislative candidates as well as local candidates for local elections utilize door-to-door campaigning?

A Well, I really don't call it door-to-door campaigning because that's really not what you do. You don't go into a subdivision x, y, and x and start knocking on every other door or anything but, yes, everybody, virtually everybody does some of that kind of campaigning.

Q Okay. Do you recall what your total expenses --

MS. LEVATINO: Well, we will have as an exhibit his expense records.

Q Do you recall what your expenses for the first primary and the general election was this last time?

A I really don't. It was probably around ten or twelve thousand dollars, maybe a little bit more or a little bit less. In the general -- in the first primary. In the general election virtually nothing.

Q You did not have an opponent?

A Yes, I had an opponent, but my opponent didn't spend anything either and she had never held office, and she

had never held office, and she was from the minority party and, you know, I didn't see her when I was campaigning. So, I didn't think she would do anything and she didn't.

MS. LEVATINO: I would like to offer Defendant's Exhibit No. 1 at this time.

(Whereupon, Defendant's Exhibit No. 1 was offered into evidence.)

MS. LEVATINO: Do you want to see this? Do you have any objection?
MR. RICHARDS: No, no, I don't have any objections. Did you all draw that off or did they draw it off over here?
MS. LEVATINO: The Legislative Council did. This is the one that you asked for that.
MR. RICHARDS: Okay. Are you through?
MS. LEVATINO: Do you have any objections?
MR. RICHARDS: Oh, no, I am sorry. I don't have any objections.
MS. LEVATINO: Yes, and I am through.

EXAMINATION,

By Mr. Richards:

Q I see, Mr. Doyle, Jefferson County is really divided between three separate legislative districts. The three member district, which you were elected, and two other districts, is that correct?
A Yes.
Q And I am not an expert about the matter but, as I understand it, District 8, which runs off to Owens County, is that correct?
A Right.
Q You have a portion of Jefferson County which is -- involves mainly a part of the City of Port Neches is over into the District 8, is that correct?
A Right.
Q And then --
A -- I don't think it's in the city, but in that area.
Q In the area of Port Neches, right?
A Right. It's a very small --
Q Uh-huh. Fairly small slice. And then relatively a large slice is attached to district which includes Hardin County and some other rural counties?

A Jasper.

Q Jasper. Now, it was my impression that the fact that district, District 5, reached into what are residential areas, parts of the City of Beaumont, am I right about that?

A Yes.

Q I didn't see them here. What would that be -- would that be this slice in here in, I guess, the Census Tract 3?

A Three.

Q Is that right?

A Yes.

Q Three and --

A -- mostly three.

Q At least as far as Jefferson County is concerned, Census Tract 3 which is in part of District 5 is --

A West end of Beaumont.

Q West end of Beaumont and is a residential area, is that correct?

A Yeah.

Q All right.

A A large portion of that is a very affluent residential area.

Q In fact, I have heard at one point someone suggesting

that that was a heavy concentration of republican voters who were tagged into rural Hardin County. Do you have any knowledge of about whether that fact is what took place in the districting of Jefferson County?

A I voted against that bill.

Q Did you --

A -- I saw it first when it came out to me. Voiced my objections prior to the time it was -- came out of the committee when I first heard what was going on. Made some very nasty comments about it which I would not repeat for this deposition and --

Q Did you consider it to be a gerrymander?

A All of my objections were more district oriented than that.

Q What were they, your objections?

A You could have added Hardin County to Jefferson and stayed within the percentage limitations as we knew them at that time.

Q Uh-huh.

A And zone the same amount of districts or cut us into single member districts or made it a multimember multicounty district and our county would have had an opportunity at least to keep four members of the house. We now have three.

Q And I guess actually the Hardin County Jasper County portions obviously dominate District 5?

A Like five to two.

Q Yes, sir. Okay.

A I think everybody in Jefferson County voted against that. I'm not sure about that.

Q I will, just to test your memory, do you remember actually, of course, this plan was ultimately adopted by what was known as the Legislative Redistricting Board?

A Right.

Q Do you remember whether the plan adopted by the Legislative Redistricting Board was essentially the same as that which was passed by the House?

A Very similar.

Q Okay. And so, I take it then the objections you voiced as to the House bill would have run the same way to that bill adopted by the Legislative Redistricting Board?

A Yes. That district runs from the gulf coast all the way to Jasper.

Q Oh, you mean the -- it runs all the way down to the --

A -- Sabine Pass.

Q Sabine Pass, doesn't it, in South Jefferson County?

I am also told that the legislature from Orange County -- who is the representative, incidentally?

A Peveto.

Q Peveto. He is the incumbent in District 8?

A Yes.

Q I am told there is actually no means to get across from Orange County into his portion of Jefferson County without coming through somebody else's legislative district. That is, I mean, not a large slice even taken out of Jefferson County, is that correct?

A The only way it is logical is if you decide to leave things as they are than to reapportion the whole state.

Q Okay. But am I correct, there are no nature communications between that portion of District 8 and Orange county?

A Not by land.

Q Not by land. Did I understand you correctly and I don't want to jump too far, but you, yourself, would have been receptive to a single member district by in it was preserving the integrity of the county in '70?

A I really don't have real strong personal opinions either way. However, the Legislature of Texas has seen fit to divide itself up into legislative districts and until the Legislature of Texas decides otherwise, it

appears to me that we should abide by that as we do most of the rest of the laws of the House.

Q Okay. Of course, you will agree with me in that what we are talking about is not the product of the legislature at all but rather a five member board, Legislative Redistricting Board.

A In this county?

Q In this county and in every county except Dallas and Bexar?

A In this county that's very, very similar to what was -- what came out of the legislature.

Q Yeah, but what came out of the Texas Legislature was declared unconstitutional by the Texas Supreme Court, am I correct?

A Yes.

Q And as a consequence of that, a five member board called the Legislative Redistricting Board then redistricted the State of Texas and it is those districts --

A -- no, that's not how it happened.

Q Okay, you tell me.

A The bill never passed the Senate as I remember.

Q Oh, it is your recollection as to redistricting in 1970, that no bill was ever passed in the legislature, is that correct?

A No, you are correct.

Q Okay.

A That was -- the Senate never did reapportion itself. That's what happened. You are correct, I am sorry.

Q That's all right. So, in fact the House was in fact reapportioned?

A By the Board.

Q By the Legislative Redistricting Board after the original plan was declared unconstitutional?

A That's right.

Q Now, you say you think that there is a black member of the Beaumont Independent School District currently?

A And I am not sure about that at all.

Q Okay. You are not sure?

A No, sir.

Q If I told you that there was not, would you be inclined to accept my version of those facts?

A If you, you know, I really don't -- there has been in the past. I did not remember him getting beat or resigned.

Q Okay. We have general -- we have testimony elsewhere that no black has ever been nominated in the democrat's primary for any elective office within the county of Jefferson County. Would you dispute that at least

within the 20th century?

A None that I can recall.

Q You do recall a race by Al Price in 1970, a legislative race?

A Very well.

Q Are you acquainted with Mr. Price?

A Very well. I say -- that's not accurate. I never visited in his home.

Q Sure.

A But I have --

Q Just on the platform?

A But I have drank a couple of beers with him here and there.

Q Been on the platform with him?

A Many times.

Q All right. Qualified legislative candidate as far as you are concerned?

A I would say so.

Q Now, I take it at least in 1970 he ran a fairly unaggressive campaign, did he not?

A It was aggressive, and I don't mean to sound critical of Al because he is a real nice fellow and I really do like him, a real nice fellow. It was aggressive in areas where he didn't need to be aggressive.

Q Where was that?

A He spent far too little of his time campaigning outside the predominently black areas.

Q And that's your judgment about his race, is that right?

A I was on the campaign trail at the same time he was.

Q Did he take any media ads?

A Yes.

Q In the same media that you were advertising in?

A Every one, I would think.

Q So, he was beaten -- two people that got in the run-off there was Pike Towers, is that correct?

A Well, he was barely an incumbent, you know.

Q I mean the current incumbent, I mean?

A Remember Will Smith died and Powers ran for the unexpired term.

Q And got a special election, that's right.

A No, the big race was in the special election, the one Price was in.

Q Oh, all right. And then there was a run-off in that race, as I recall, between Powers and Hanks?

A Right.

Q Now, that was in the democratic primary, was it not, of 1972 that there was a -- that Al Price ran and there was a democratic primary run-off?

A You're right because the primary election was just before the election for the unexpired term, I believe.

Q That's right. I think you are correct.

A There was just a very short space of time.

Q Actually the democratic primaries either were not able to reopen or after Will Smith's death a late filing, is that correct?

A Will died after the filing date.

Q Uh-huh.

A So, they had to reopen.

Q Right.

A Price, I think, filed in that also. I am not sure, he may not have but there were five or six guys that got into that race, Powers, Hanks, Price, a guy named Richey, and I think all of them filed in both, and I am not sure about that, but there was --

Q Ultimately the run-off of the democratic primary was between Hanks and Pike Powers, is that correct?

A Right.

Q Am I correct that Hanks is under indictment for conspiring to murder you?

A Yes.

Q Had he held office before?

A Not any elected public office.

Q I guess in your opinion he was not particularly qualified for public office?

A It's hard for me --

Q To judge him objectively?

A As on that question objectively at this point.

Q Are you generally aware, for example, that as far as the Beaumont Independent School District it is still operating all seven black schools? Is that a fact that has ever come to your attention?

A No. It never has come to my attention.

Q Would it --

A -- I live in Port Arthur.

Q I am aware of that. You and Parker are actually residents of Port Arthur, are you not?

A Yes. When I first ran, I lived in Pear Ridge.

Q Is that a part of --

A -- it's a small community on the northern edge of Port Arthur.

Q Would it surprise you if I told you that as late as 19, oh, the early 1960's that there were -- this was still a common place in the Beaumont papers that ads for housing, sales and rentals broke housing down into colored and not colored?

MS. LEVATINO: We will object to that.

MR. RICHARDS: Why?

MS. LEVATINO: Nothing to show that the ads did run.

MR. RICHARDS: Oh, I see.

Q Would it surprise you to know that that was a common place and that Beaumont carried it's housing ads or rental sales under colored properties and one list for white?

A No, it really wouldn't surprise me.

Q Okay. I take it from what we have been told that at least the dominant industries in Jefferson County are oil refining and the petrochemical related industries, is that right?

A Yes, that would be accurate. There is more to it than just oil refining.

Q Yes, I am sure there are, what are you saying?

A Well, we have three real large oil refineries.

Q What are they?

A Texaco, Gulf, and Mobil. And there there are a number of smaller petrochemical related industries, plastics, rubber. Jefferson Chemical Company, take for instance, has got 1,500 employees. A lot of them using feedstock

from the three big ones, but it's a refinery, it's a refinery community. It's a typical industrial south community.

Q Mr. Doyle, I have got here a list of bills introduced by you in the two sessions by which you served, the 62nd and 63rd. If you would just glance through and see if you can confirm to me that they are accurate.

MR. RICHARDS: Let's see. Mark these for me. Mark these Plaintiff's Exhibit 1 and 2 for me.

(Whereupon, Plaintiff's Exhibit No. 1 and Plaintiff's Exhibit No. 2 were marked for identification.)

Q You can check it out if you want to. Plaintiff's Exhibit No. 1 purports to be the bills introduced by you in the 63rd legislature just by name and caption and those on Plaintiff's Exhibit 2 are bills of the 62nd. Would you glance through and see if you can confirm for us if those are accurate summaries?

A I was a sponsor or co-sponsor of all the bills that you have listed in Plaintiff's Exhibit 2. But I am not sure that it is complete.

Q All right.

MR. RICHARDS: If the reporter will, we will make that available to you and if it is agreeable we will leave a blank at this point in the deposition for you to insert any additional bills that you have sponsored in the 62nd legislature, if it is agreeable with you.

MS. LEVATINO: All right.

A The same answer with respect to Plaintiff's 1.

Q And if I am clear then, as to each of those exhibits, they accurately reflect legislation which you sponsored or co-sponsored?

A Well, for --

Q You are not certain they are complete in terms of all the bills, is that correct?

A Right. And they are not -- for instance, in Plaintiff's 1, in HSR 4, "Providing for mailing of House journal," I was walking by the speaker's desk and there was a stack of these things up there and they needed someone

to sign one because it is something that has to be done at the end of the session, see.

Q Uh-huh. You would not consider that one of the major pieces of legislature?

A And the same is true with respect to the bills in the 62nd. A lot of these were local bills which the County Commissioners asked us to support or the Drainage District had asked us to support or the Lamar College had asked us to support and they would be, you know, they were noncontroversial local bills and no one was hollering about and until you handed me the list, I didn't remember which ones I had signed. For instance, the same is true with some bills of this type.

Q Okay. If we can have the same understanding as to both the 62nd and 63rd legislature, if there are any omissions with respect to our Exhibits 1 and 2, I would appreciate it if you would assert or attach a list to the deposition.

A I would think that's probably accurate and I do remember doing some work on each of these.

Q You characterized busing as a painful resolution?

A Yes.

Q Painful because it raises what? Strong feelings among the community?

A Well, for a person who represents a district like I do with, you know, a relatively large number of black people or I am sure the same would be true representing a large Mexican-American population. A resolution means so little as to the effect it's going to have on the lives of the people involved and it is so easily misunderstood by people who, you know, see where Doyle voted so and so and you just rather have them not come up really. I certainly don't mind ever taking a stand. You know, that's what you are elected for, but you hate to do it just for the sake of, you know, having somebody get angry and upset. Where it is not going to accomplish anything.

Q Well, granted. I suppose it is fair to say that in Jefferson County as a county in Texas which the issue of desegregation of the schools has been a highly controversial issue?

A Well, you would have to compare it to something, obviously. Compare it to other counties, I would say that we have a relatively smooth time of it compared to others, I would say we have had a relatively bad time of it. Since the Board of Education, we were in, in my opinion, a little slower than we should have been, but then I, you know, we haven't had the fights

and killings and, you know, that sort of thing that you read about that has come about in some other areas.

Q Well, are you aware that the Beaumont Independent School District has brought suit against the Department of Health Education Welfare in effort to restrain the Department of HEW from further desegregation efforts in Beaumont?

A I was aware that there was a lawsuit pending between the Beaumont Independent School District and that agency. I didn't really know.

Q Okay.

A There was an article in the paper or on the radio this week, as a matter of fact, about it.

Q Calvin Williams is a black member of the Beaumont City Council, right?

A Very capable person.

Q That's his name?

A Yes, sir.

Q Now, you suggested he had been in office some 10 or 15 years?

A No.

Q This is only his second term, is it not?

A No, you misunderstood. The one I had reference to was a man in Port Arthur, Mr. Guidry.

Q I misunderstood you. Since about 1970, is that correct?
A Yes, I think that's correct.

MR. RICHARDS: That is all I have. Thank you.

EXAMINATION,

By Mr. George:

Q I have three or four brief questions, Mr. Doyle. How are you employed other than being employed as a legislator?
A I am an attorney.
Q Are you in private practice?
A Yes.
Q Are you associated with any other lawyers or attorneys?
A Three.
Q What is the name of the firm you are with?
A Provost, P-r-o-v-o-s-t, Umphrey, U-m-p-h-r-e-y, Doyle & Mehaffy, M-e-h-a-f-f-y.
Q All right, sir.
A We have one associate and he is not named in the firm.
Q All right. Has any republican ever been elected to the State Legislature from Jefferson County?

A Not to my knowledge.

MR. RICHARDS: Not in the 20th century, at least.

Q Has there ever -- would you, as an office holder and politician who has been involved in politics for what, about eight years now?
A No, well, if you count that little school thing.
Q I was starting in 1965.
A Yeah, but I didn't do much between '65 and the time I ran.
Q And you have run two races at least?
A Two legislative races. A lot more races than that. I had a first primary and a run-off and a general election and then a primary. Five races, actually.
Q Okay. On the basis of that experience, can you tell me what -- well, during that period of time, can you tell me if the republican party has filed candidates in each of those legislative --
A Yes. I have run against a republican every time I have run.
Q Can you tell me whether the racial -- the race of your opponent, the republican opponent?
A Yeah, I knew them both.

Q Would you tell me?

A Yeah, they were white.

Q They were white and their sex?

A Caucasian.

Q Non-Negro, right?

A First was a white male, second one was a white female.

Q All right.

A First one ran pretty hard, matter of fact.

Q Campaigned pretty hard?

A Yeah.

Q Did you campaign pretty hard in response?

A I sure did.

Q Can you tell me where you live in this area?

A Uh-huh.

Q Where is your home?

A You see Memorial Boulevard in the south end of the county?

Q We will identify these by census tract, I suppose.

A All right. I am going to have to have that. This is Woodworth Boulevard. It runs north and south just about through the middle of what is now -- we call south county or, you know, the populated area. This is 32nd Street. (Indicating.) I live just slightly north of 32nd Street and slightly west of what is Memorial

Boulevard which is an extension of Woodworth Boulevard.

MR. BLACK: That would be in '68?

Q Census Tract No. 68?

A Right.

MR. GEORGE: I don't believe I have any other.

FURTHER EXAMINATION,

By Mr. Richards:

Q Mr. Doyle, how old are you?

A Thirty-four.

Q Does Carl Parker live in Census Tract 68, or do you know?

A No, Carl -- let's see. Carl, I think, lives in 55.

Q I see. That would be further south, is that correct?

A Uh-huh.

Q All right.

A Carl lives on 6th Street which is only four blocks from the canal. Right down in the southern edge of the city.

MR. RICHARDS: That is all I have.

FURTHER EXAMINATION,

By Ms. Levatino:

Q I have one thing that was brought up. Is it a practice in the legislature, of course, to have certain bills drawn up that a member may be the primary sponsor and then have a number of other members sign the bill on the day it is introduced or prior to introduction?

A Oh, Lord, yes. For instance, on the -- on some, bills have, you know, 50 signatures.

Q Okay. But in generally as would be reflected in a record such as on the House Journal, would all 50 signatures of the bill be reflected?

A Not necessarily.

Q It would just normally be one or two?

A Yes.

Q Okay.

A In fact, of all the bills in Plaintiff's 1, about three or four of these bills took up probably 80 percent of my time, like the penal code and the tax reform legislation. There was, for instance, the House Bill

1337 and 38. Those were two of ten bills which I had done a bunch of work on on the Watering District and my name got on those two but it just as easily could have gotten on, you know, any one of the others.

Q So, is it fair to say that there might be legislation in which you are personally very interested that someone else may have drawn up and you would sign it along with other people but you are not reflected as the natural sponsor of the bill?

A That's correct. And there is other legislation which, you know, takes up a hundred hours of your time that your name is not on. Like the penal code last go around. I was on it this time, but the time before I was not one of the authors. I spent, you know, five or six hundred hours on it, working on it.

Q Okay.

A That's not a very accurate -- well, it is to a degree accurate. It reflects what you do, but it -- I would not want it to appear that's all I did was work on this legislature.

Q Okay.

A For the record, and if it is admissible, fine, if it is not admissible, I will understand. Both sides can object. It is something that I think needs to be said.

And something that neither party has aked me about. Jefferson County probably presents one of the more difficult redistricting problems in the state. It's impossible to take the surplus, and we have 25 or 30,000 surplus west, it's not impossible, but if you have to go all the way to Galveston to pick up any people, then, Galveston has an access. You can't go East because Orange County is there and it's got almost a perfect district, and you can't go South because that's Louisiana and Lake Sabine. And when you go North and Northwest you start re-doing all of East Texas, essentially, North and Northeast. With respect to the black problem, it is one I recognize, and it pains me; and to accomplish what the plaintiff's in this lawsuit seek to do is to gerrymander as bad as -- as anything you will ever see in legislature redistricting. If you divide the county logically, if you just assume that single member districts are a good thing, you can preserve even city lines, you know, along the community of interest basis. Port Arthur, Griffith Park, Lakeview, and Pear Ridge, for instance, make up a perfect legislative district. Netherland, Port Neches grows, the southern part of Beaumont, would make up a very logical district.

That would not result, under

any circumstances in the election of a black man in the House.

The county is about a third black and you are going to have to somehow get 50,000 of those people in one district, and if you do, you have got to run it from Northeast Beaumont to Southwest Port Arthur.

FURTHER EXAMINATION,

By Mr. George:

Q Why did you say it would not result in the election of a black man?

A Because you are going to have -- it's not going to insure, if I said would result, that's improper. It's not going to insure because to insure, the election of a black individual you are going to have to have, if their voting turn outs continue to be as they have and they continue, you know, that continues to be true in the future, you are going to have to get about 60 percent of a district which is black in order to almost guarantee someone from that race being elected; and it's sure going to be a funny looking district.

Doyle - By Mr. George

MR. GEORGE: That is all.

MS. LEVATINO: Thank you.

(Witness excused.)

I HEREBY CERTIFY that I have read the foregoing deposition and that this deposition, together with my corrections, is a true record of my testimony given at this deposition.

_____
TERRY DOYLE

SUBSCRIBED AND SWORN TO BEFORE ME, this the ____ day of _____, A.D., 1973.

_____
Notary Public in and for
said County

STATE OF TEXAS [
COUNTY OF TRAVIS[

I, Dwain Coffey, Notary Public in and for Travis County, Texas, do hereby certify that the facts stated by me in the caption hereof are true, and that the said witness did make the above and foregoing answers in response to questions propounded as shown, and that I did, in shorthand, report said proceedings, and that the above and foregoing typewritten pages contain a full, true and correct transcription of my shorthand notes taken on said occasion.

WITNESS my hand this the 26th day of November, A.D., 1973.

_____
Notary Public in and for
Travis County

* * * * *

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CURTIS GRAVES, ET AL VS. BEN BARNES, ET AL	NO. A-71-A-142
DIANA REGESTER, ET AL VS. BOB BULLOCK, ET AL	NO. A-71-CA-143
JOHNNY MARRIOTT, ET AL VS. PRESTON SMITH, ET AL	NO. A-71-CA-144
VAN HENRY ARCHER, ET AL VS. PRESTON SMITH, ET AL	NO. A-71-CA-145
FRANK ESCALANTE, ET AL VS. MARK WHITE, ET AL	NO. A-73-CA-115
JAMES GASKIN, ET AL VS. MARK W. WHITE, ET AL	NO. A-73-CA-146
WANDA L. CHAPMAN, ET AL, VS. MARK W. WHITE, JR., ET AL.	NO. A-73-CA-155

ORAL DEPOSITION OF REV. RODNEY HOWELL

Taken November 21, 1973

BOBBY G. ROGERS

SOUTHWEST REPORTING SERVICES

P.O. BOX 267

LITTLEFIELD, TEXAS, 79339

APPEARANCES

FOR THE PLAINTIFFS: HON. GEORGE KORBEL
Mexican-American Legal
Defense and Educational
Fund
501 Petroleum Commerce Bldg.
301 North St. Mary's Street
San Antonio, Texas

FOR THE DEFENDANTS: THE ATTORNEY GENERAL OF TEXAS
SUPREME COURT BUILDING
AUSTIN, TEXAS

By Hon. Elizabeth B. Levatino
Hon. Larry York

---oOo---

-AGREEMENT-

THE PARTIES to the above entitled and numbered cause, through their respective attorneys of record appearing herein, waive notice, service and time; and agree that the deposition of REV. RODNEY HOWELL, may be taken on behalf of Plaintiffs on the 21st day of November, A.D. 1973, before Bobby G. Rogers, Certified Shorthand Reporter in and for the State of Texas.

THE PARTIES FURTHER AGREE that all objections as to form and substance will be made by the Parties at the time of the taking of the deposition. THE PARTIES FURTHER AGREE to waive reading of the deposition to, or by the witness, and the signing thereof by the witness, and agree that same may be returned into Court by the Reporter, or the attorneys of record for filing in said Court, and be used on the trial of these causes with the same force and effect as though the witness had read and signed the same.

---oOo---

Thereupon,

REV. RODNEY HOWELL

was called as a witness on behalf of the Plaintiffs, and having been first duly sworn, testified as follows, to-wit:

EXAMINATION

By Mr. Korbel:

Q Rev. Howell, let me explain to you that there is a rule that says that after these things are taken you are supposed to read them and sign them before a Notary Public, but these guys do a pretty good job, and there is no reason to expect that they won't in this instance, and because of the time deadline, it is easier to just waive your signature.

A All right.

Q And if there are any grievous errors, I am sure Counsel can stipulate that "three" is "five", and vice-versa, but usually there is really no reason to sign them. We usually waive them in every case anyway.

A Fine.

MR. KORBEL: The record should show that the witness vaives the reading and signing of the deposition.

Q (By Mr. Korbel:) Will you state your full name for the record, please?

A My name is Father Rodney Howell.

Q Father, how old are you?

A I am 41 years old.

Q And what is your occupation?

A I am a Catholic Priest.

Q And do you have a Parish, Father Howell?

A I have a Parish in Shallowater, Texas. That is Lubbock County.

Q And would Shallowater, Texas, be involved in the Lubbock County Multi-Member District?

A Yes, it would.

Q Just for the record, is Shallowater in the northwestern part or corner of Lubbock County?

A Yes, it is in the northwest part.

Q Quadrant, I suppose I should call it.

Okay, and besides your Parish, are you also involved in other matters?

A Yes, I am.

Q And can you describe those for us, please?

A I also operate a Government Program called E.S.A. Emergency School Assistance Act.

Q Now, that is E.S.A.?

A Right. A period after each letter, which is the abbreviation for Emergency School Assistance Act, and that the phase that we run and operate in Lubbock is a parental involvement phase.

Q Now, this would be in the entire county?

A It is in the Lubbock School District.

Q In the Lubbock Independent School District?

A Right.

Q Can you explain briefly what the Lubbock Independent School District entails?

A It entails the boundary lines of Lubbock, of the City of Lubbock.

Q I see. And that is generally what the Lubbock Independent School District is?

A Yes.

Q Go ahead, Father, I am sorry.

A And it --the sponsoring organization is LEARN, Inc. It doesn't have any significance other than the fact that it is to give an educational opportunity to minority students to further their education, and that

money is not any barrier to their education. They find loans, and grants, and --

Q This would be both at the primary and secondary level, or college level only?

A Primarily this is to get them to college.

Q I see.

A It works at trying to help, keep the Mexican-Americans, Blacks, minorities in school, and finish high school and go on to college.

Q So your program deals with both the Mexican-American and Black minorities, as well, is that right?

A Yes.

Q Okay. Father, do you have any particular training beyond your -- beyond your being ordained as a Catholic Priest? Have you taken any further school?

A I have taken schooling in education. I have four years of education.

Q And have you taken any graduate study?

A I took some graduate study at Texas Tech.

Q I see. And was that just prior to your becoming involved in this LEARN Project?

A That's right.

Q How long have you been in Lubbock County?

A I have been in Lubbock County approximately seven

years.

Q Since 19...?

A Since 1967.

Q Since 1967. During that time I suppose you have had a close relationship with several of your parishioners as well as with the people you work with in this LEARN Program?

A That's right.

Q By the way, when did you get involved with the LEARN Program?

A The LEARN Program, about a year and a half ago.

Q I see. And the specific phase in which you are involved, can you tell me how that started, the genesis of that?

A When I attended the Texas Tech Mexican-American Counseling Institute --

Q Uh huh.

A -- there were students from all over the Southwest --

Q Uh huh.

A -- from the five Southern states where there are a number of Mexican-Americans --

Q Uh huh.

A -- and they put together -- we put together a

program of all of the successes of parental involvement in trying to help the parents become more involved in their children's education in working together with the school and the child, and furthering the education of the child. And it is also to prevent dropouts, and to get the parents more actively involved in the school system.

Q So your original study, and the program submission that you had, was based on the facts you knew to be existent in the Lubbock Independent School District, is that correct?

A Right.

Q Okay. Let me ask you a few questions about Lubbock Independent School District.

Do you know how many students there are now presently attending the Lubbock Independent School District?

A There are approximately 33,000.

Q In the Lubbock Independent School District.

A In the Lubbock Independent School District.

Q And what percentage of those students would be Mexican-American?

A I would say it would be pretty close to 25 per cent.

Q 25 per cent?

A About 8,300.

Q And how about Blacks?

A There are about 12 per cent, 4,000. That is a rough estimate.

Q Lets see, we have got those statements right here.

A Right.

MR. KORBEL: Off the record just a second.

(Off the record discussion.)

MR. KORBEL: Back on the record.

Q (By Mr. Korbel:) Do you know for sure whether or not the Lubbock Independent School District has ever enforced a no-Spanish rule, and punished children for speaking Spanish on the school grounds and in the class rooms?

A Yes, I do.

Q And is that rule still in force?

A No, it isn't.

Q When was the last time that was enforced, to your knowledge?

A By talking to the parents, it appears about '68

or '69.

Q I see. And that is what you find out from the people that you serve in your LEARN Organization, is that correct?

A Uh huh.

Q Okay. Does the Lubbock Independent School District have a bilingual education program?

A Yes, they do.

Q And do you know who the Director of the bilingual education program is?

A The Director is Doris Rector.

Q And does she speak Spanish?

A No, she doesn't.

Q I see. And prior to her becoming Director of the Bilingual Education Program, was she a teacher in the Lubbock Independent School District?

A Yes, she was.

Q Okay. So that her being Director of the Bilingual Education Program was simply a promotion for her, is that correct?

A A promotion, that's right.

Q Okay. Do you have any idea of the percentage of the dropouts, the percentage for Mexican-Americans in the Lubbock Independent School District?

A I could estimate from the figures that we have that it is approximately 25 per cent.

Q Okay. But, now, this estimate is based upon the figures and the forms and things which you have seen --

A Right.

Q -- which the Lubbock Independent School District has prepared, is that right?

A Yes.

Q And in the course of your dealing with Lubbock Independent School District, you have had opportunity to look at their figures, and at their records, and studies, and things?

A Right.

MS. LEVATINO: Excuse me, George. These figures are the ones you are talking about including in your exhibit?

MR. KORBEL: Yes, But I don't know if we have got figures as to dropout rates. Lets go off the record.

MS. LEVATINO: Okay.

(Off the record discussion.)

MR. KORBEL: Back on the record.

Q (By Mr. Korbel:) Okay. Can you compare that, for example, with the dropout rate for the Anglos? Is that considerably lower?

A It is considerably lower. I don't have the exact figures.

Q Do you know, for example, how many Mexican-American guaduates of the Lubbock Independent School District have ever graduated from Texas Tech located here in Lubbock?

A The figures that I have gotten were from -- through LEARN, --

Q Uh huh.

A -- our sponsoring agency, they operate a talent search program, and as close as we can figure it is about eight.

Q So, as far as you know, and from everything you can find out, only eight Mexican-American graduates from the Lubbock Independent School District have graduated from Texas Tech?

A Right.

Q To your knowledge, do a substantial number of Mexican-American graduates from Lubbock Independent School District go outside of Lubbock County, or outside of Texas Tech to go to school?

A Yes, they do.

Q And to your knowledge, about how many Mexican-American graduates of the Lubbock Independent School District have ever graduated from college?

A It would be a very small number.

Q What figure would that be?

A I would estimate about ten, I wouldn't --

Q Additional?

A Right.

Q So that there would be about eighteen Mexican-American graduates of Lubbock Independent School District that have graduated from college?

A Right. Approximately.

Q Okay. Do you know how many students there are in Texas Tech?

A There are about 21,000.

Q I see. And do you know how many of that are Mexican-Americans?

A No, I don't have the recent figures on that.

Q Do you have an idea what the percentage is?

A No, I really don't.

Q Okay. Would it be very large?

A It would be very small.

Q Okay.

A I am sure it would be less than -- say less than 10 per cent.

Q Okay. Are there any Mexican-American Counselors in the Lubbock Independent School District?

A I know of one.

Q I see. How long has he been a counselor?

A I would say about two years.

Q Are there any Mexican-American Principals in the Lubbock Independent School District?

A There is one.

Q And how many Principals are there total in the Lubbock Independent School District?

A I would have to look at that. There are 53 schools.

Q Presumably there would be a principal for each school?

A Yes.

Q Okay. And do you know how many counselors, the total number of counselors there are in the Lubbock Independent School District?

A No.

Q Would there be at least one counselor for each school?

A I am sure there would be, yes, and some schools

have two or three.

Q Okay. Now, let me ask you some questions about discrimination, and I want you to base these on your experiences here in Lubbock County, and also the experiences that you have had in dealing with your parishioners and with the people you have dealt with in the LEARN Program.

When you came to Lubbock County, were you made aware of any discrimination in public facilities by your parishioners?

A Yes, they mentioned several different things.

Q Can you describe some of them for us?

A They mentioned barber shops they couldn't go to, they wouldn't cut Mexican-American's hair.

Q Where were these barber shops located?

A There were some in Lubbock. I am positive of one in Shallowater.

Q Uh huh.

A Up to two years ago.

Q The barber shop in Shallowater would not cut Mexican-American's hair until two years ago?

A Until two years ago. The barber died and the one that took over does.

Q Does cut Mexican-American's hair?

A Does, yes.

Q All right.

A Swimming facilities.

Q And where would those swimming facilities be located?

A Well, the one in Shallowater, up until two years ago, didn't accept Mexican-American swimmers, and the parishioners mentioned that in Lubbock they had different pools, like at Mac-Kenzie Park, which was probably the early '60's, I would estimate --

Q Uh huh.

A -- that they were allowed to -- maybe the late '50's, that they were allowed to use.

Q To start using the pools?

A Yes.

Q Were there any other pools in the county that prohibited Mexican-Americans from using them?

A These are the only ones that I am aware of.

Q What about motion picture theaters?

A Motion picture theaters, there were two of them. I don't have the names right off-hand, in Lubbock that they specifically mentioned --

Q Uh huh.

A -- that they were not allowed in.

Q Okay. Would this be the Lindsey and the Clifton Theaters?

A The Lindsey and the Clifton, right.

Q And in what years were they still preventing Mexican-Americans from attending these theaters?

A I would say about the middle '60's.

Q I see. And that is what your parishioners were telling you?

A Yes.

Q I see. Lets see, now, are there any other incidences of discrimination which you would like to point to?

A I would like to say like in voting.

Q Uh huh.

A A lot of them are still under the impression they have to pay a poll tax.

Q Mexican-Americans still feel they have to pay a poll tax?

A There are several of them that still do, yes.

Q Uh huh.

A Some of the older ones.

Q Uh huh.

A And when they do, we finally get them to register and they receive their voting slip, I can say for sure in

Shallowater, if someone is not around, very often they will say: "Well, you can't vote because you don't have your slip."

Q How do you know this, Father?

A I have got the people themselves who told me.

And I went myself once without a slip and argued the point, and they allowed me to vote.

Q So they are preventing people from voting if they don't have their voter registration slips?

A Right.

Q Okay.

A And the other thing is having an interpreter at the polls.

Q Did they prevent people from the use of an Interpreter at the polls?

A Yes, they did.

Q Until when?

A Well, I would say even to the last election.

Q I see.

A When there was none provided, and I wasn't aware of it until I went to vote, and one of my parishioners asked me, you know, what is the slip on the ballot, and who are we voting for --

Q Uh huh.

A -- and I was trying to explain in a little Spanish, and they prevented me from doing it, so I asked for an interpreter, and they said: "Well, you should have asked for that a long time ago."

And so we got on the phone and we got an interpreter out at about 3:00 or 4:00 o'clock that evening, but by that time, most of them that were eligible, had voted.

Q I see. They weren't allowing people to use their own interpreters, right?

A That's right.

Q And there was no interpreter provided, is that my understanding?

A That's right. They used the reasoning that we were telling them how to vote.

Q I see.

A And the other instance that I am very aware of is the visiting days at the jail --

Q Uh huh.

A -- here in Lubbock, they have a separate visiting day for Mexican-Americans and Blacks --

Q Uh huh.

A -- and another day for the Whites.

Q Uh huh. And how about Mexican-Americans?

A Mexican-Americans and Blacks are together.

Q I see.

A On one day, and the Whites on another day.

Q I see. What about the use of racial and ethnic overtones in election campaigning? Do you find that in Lubbock County?

Do you know of any instances of that existing in Lubbock County?

A Yes, I know of one during the 1970 election with Paulina Jacovo.

Q And she is a Mexican-American?

A She is a Mexican-American. She ran for County Commissioner.

Q And she ran against ...?

A She ran against Alton Brazel.

Q In the run-off?

A She ran against several people before that that were opposing her in the primary, and she got to a run-off with Alton Brazel.

Q I see.

A And there was a pamphlet put out, which I couldn't find a copy of, that depicted her as the radical Mexican-American belinging to these organizations like Citizens for Social Justice, Los Tertullianos, Black-Brown Coalition,

in comparison to the highly educated Alton Brazel, who was in office at the time.

Q Uh huh.

MS. LEVATINO: Okay, we would object to that under the best evidence rule, that it is hearsay if he can't produce the pamphlet.

Q (By Mr. Korbel) All right. Go ahead.

Now, I would like to inquire about these organizations; are these organizations which are well known in Lubbock County as being for the advancement of Mexican-Americans and Blacks?

A Right, but I wouldn't -- can I point out something?

Q Yes, Go right ahead.

A That as a result of this bill, the voting record can show that Anglos showed up in the Shallowater Area, in particular that I am aware of, way over a hundred more than came out in the primary.

Q So there was an increase -- no, now, just so we can get this straight: Is it your testimony that his handbill, or brochure, was passed around after the primary and before the run-off?

A Right.

Q Okay. And is it further your testimony that to your knowledge in the Shallowater Precinct, which you are especially aware of --

A Yes.

Q -- that it increased the turnout?

A Yes.

Q And do you know what the vote was out there?

A It was about, pretty close to 600. A little over 500, I think.

Q To what?

A To 50, I think it was.

Q I see. Now -- and that was in the run-off?

A That was in the run-off.

In the first primary it was something like 400 to 47.

Q Okay. What is the Anglo-Spanish surname breakdown in the Shallowater area?

Do you have any idea what percentage the Mexican-American account for in the population?

A It is approximately 25 per cent.

Q I see.

A Registered voters?

Q Yes. Okay. How about registered voters, if you know that?

A I would say, about, roughly ten.

MR. KORBEL: Off the record.

[Off the record discussion.]

MR. KORBEL: Okay. Back on the record.

Q (By Mr. Korbel:) I want to identify some exhibits, some school exhibits. Lets have this marked and identified as Plaintiffs' Exhibit 1.

MS. LEVATINO: Excuse me. Off the record.

[Off the record discussion.]

MR. KORBEL: Back on the record. Okay. I will identify this as Plaintiffs' Exhibit 1, Howell Deposition, Lubbock County.

[Thereupon the document hereinabove
[described was identified as Howell
[Deposition, Plaintiffs' Exhibit No. 1,
[Lubbock County, and a copy of same is
[attached to this deposition.

Q (By Mr. Korbel) I am handing you now what has been identified as Plaintiffs' Exhibit 1, Howell Deposition, Lubbock County, can you identify what that is?

A Yes. This is the Ethnic Breakdown of Faculty Members --

Q Uh huh.

A -- and of the students by race.

Q In the Lubbock Independent School District?

A In the Lubbock Independent School District.

Q And what year is that for?

A This is October 5th, 1973.

MR. KORBEL: Okay. We will tender this Ethnic Breakdown of Faculty Members and School Enrollment for Lubbock Independent School District for 1973.

Q (By Mr. Korbel:) Okay. Returning once again to this brochure you were describing about Paulina Jacovo when she ran for County Commissioner. What year was that in?

A That was in 1970.

Q Okay. And just so the record is straight, that was distributed between the time she ran in the primary,

in the first primary, and then she ran in the second primary run-off election, right?

A That's right.

Q Do you generally know the areas of the county that that was distributed in?

A As far as I know, it was distributed outside the City of Lubbock.

Q I see. It would be in the rural areas?

A In the rural areas.

Q In the rural areas do the Mexican-Americans make up a small amount of the population?

A Yes, they would.

Q Okay. And did it appear to you that this was directed at the Anglo population in the rural areas?

A Yes, sir.

Q Okay. Do you have any reason to believe that?

Did you talk to people, for example, that expressed that opinion to you?

A Well, none of our people received it, but I saw it.

Q Uh huh.

A I will say none of the Mexican-Americans in the Shallowater area received it.

Q I see. How was this distributed, do you know?

A I don't. I couldn't say for sure.

Q I see. Okay. Now, I want to get into another area.

Do you have any knowledge of the South Plains Area Council -- South Plains Area Association of Governments?

A Yes.

Q And can you tell me the Board of Directors on the South Plains Area Association of Governments?

How many minorities are members of the Board of Directors?

A There are no minority members.

Q There are no minority members.

A I think the total membership is 25 on the board.

Q I see. And has the fact that there are no minority members on the South Plains Area Association of Governments resulted in the loss of any federal funds to Lubbock County?

A It has.

Q Any specific programs?

A It has.

Q Can you mention some of those programs?

A We have to -- all government programs are going to have to go through South Plains Association of Governments, we were notified, within the coming year.

Q For their recommendation?

A For their recommendation and approval of the programs.

Q I see.

A And Jobs for Progress approached them.

Q Uh huh.

A And also the -- I can't recall the other one.

MR. KORBEL: I am going to have this identified as Plaintiffs' Exhibit 2, Howell Deposition, Lubbock County.

[Thereupon the instrument hereinafter
[described was identified as Plaintiffs'
[Exhibit 2, Howell Deposition, Lubbock
[County, and same is attached to this
[deposition.

Q (By Mr. Korbel:) I am going to hand you what has been identified as Plaintiffs' Exhibit 2, Howell Deposition, Lubbock County, and ask you to identify and describe that.

A This is a copy of an article that appeared in the Lubbock Avalanche Journal.

Q What is the date?

A October 9th, 1973.

Q And can you tell me the substance of that article?

A The substance is they wanted to increase their board membership --

Q Who wanted to increase board membership?

A Some members of SPAG --

Q Uh huh.

A -- wanted to increase the board membership to include minorities, to go from 25 to 34 members, with the additional members to be appointed from minority groups elected officials in the area, and they felt that --

Q Who is "they" now?

A The total board.

Q Uh huh.

A Felt that they would -- that this would be infringing on, or pushing too much --

Q Are you quoting from the article now?

A No.

Q Okay.

A -- towards the make-up of SPAG.

Q And because of the fact that they refused to increase the size of their board to include some minority members, not necessarily all minority members, but some at least, did Lubbock County lose a grant?

A Yes.

Q And what was that grant for?

A Economic Development and Administration.

Q Uh huh. And would that have benefitted the minorities, Mexican-Americans and Blacks in Lubbock County?

A Yes, it would have.

Q Okay.

MR. KORBEL: I would like the record also to reflect that the South Plains Area Association of Governments, on the same day they refused to increase the membership on their Board of Directors to include at least some minority members, gave favorable comment to a planned $288,800 improvement of the Cochran County Airport.

MS. LEVATINO: Are you offering this?

MR. KORBEL: Yeah, we offer that as P-2 Howell Deposition, Lubbock County.

MS. LEVATINO: We will object not to the admission of this as a newspaper article that appeared in the Lubbock Avalanche Journal, but object as to the hearsay contained therein.

MR. KORBEL: Okay. Off the record.

[Off the record discussion]

MR. KORBEL: Okay. Back on the record.

Q (By Mr. Korbel:) Have your parishioners reported to you, or have you had any knowledge of any other discrimination, for example in the employment situation in Lubbock County?

A Yes, we have.

Q And can you describe some of that for me, please?

A Lubbock Co-op Compress in 1965 and '6.

Q What is the Lubbock Co-op Compress?

A It is where they finalize the cotton bales, press them into bales.

Q I see.

A And it is a co-op made up of all the farmers over the area.

Q Where is it located?

A It is located in Lubbock, in the southeastern part of Lubbock on the old Slaton Highway.

Q Okay.

A And in '65 and '66 they went out on strike, they formed a union.

Q Now, who is "they"?

A The workers.

Q Uh huh. And are these workers --

A They are composed of about 97 per cent Mexican-American, or were at the time.

Q I see.

A And they went out on strike because of discrimination in the plant.

Q And what discrimination were they charging at that time, Father?

A Well, the job promotions, separate facilities for the restaurant, the Mexican-Americans and the Blacks were included.

Q For --

A Separate spots to eat, whereas they had a big restaurant inside for the Whites.

Q Uh huh.

A Bathroom facilities were outside for the minorities, and inside for the Whites.

The -- another point was --

Q Before you go on, now, is it my understanding that the Mexican-Americans and the White employees were not allowed to eat together?

A Right.

Q Okay. The Mexican-American and White employees were not allowed to use the same restroom facilities?

A Right.

Q Okay. Now, what other situations?

A On paid vacations --

Q Uh huh.

A -- the White employees were able to use company trucks and get a two week's paid vacation down by Mexico, and the Mexican-American and the Blacks got a day, for example, at this Buffalo Lakes --

Q Uh huh.

A -- or some place in this area.

Q What about salaries?

A Salaries? Their salaries were lower than the Anglo salaries.

Q I see.

A These were points that were found by the Equal Opportunity Employment Commission.

Q And your knowledge of these instances of discrimination, this is from your parishioners?

A From my parishioners that were working there.

Q And they have discussed that with you?

A That's right. And I went out several days with the strikers and talked to them.

Q And did you ever have occasion to talk to management at that time?

A No.

Q Okay. Other instances of job discrimination or discrimination in Lubbock County?

A The most recent was at Johnson Manufacturing in Lubbock, they make these big road machines, and they were on strike for about a year for discrimination and job promotion and pay scale. I think basically that is what it was, and the Equal Employment Opportunity Commission has found discrimination in all departments.

Q Uh huh.

A At that time there were no Mexican-Americans in the front office.

Q Uh huh.

A The only type of work that the Mexican-Americans were good at was welding.

Q Uh huh.

A And there were no foremen or supervisors at Johnson Manufacturing.

Q The EOC found probable cause, and then later found -- what? Go ahead?

A They found cause and they had to go in and litigate, I guess you would call it, the matter.

Q And what was the final conclusion on that?

A It is not concluded yet.

Q I see.

MR. KORBEL: I am going to have this identified as Exhibit P-3, Howell Deposition, Lubbock County.

[Thereupon the instrument hereinafter
[described was identified as Plaintiffs'
[Exhibit No. 3, Howell Deposition, Lub-
[bock County, and a copy of same is
[attached to this deposition.

Q (By Mr. Korbel:) I am going to show you what has been identified as Plaintiffs' Exhibit 3, Howell Deposition, Lubbock County, and ask you to identify this.

A Okay. This is a copy of the Equal Employment Opportunity Commission's findings --

Q Uh huh.

A -- and determination.

Q Probable cause?

A Right.

Q All right.

A This is the first time, I think, it was allowed to be given as a group. I think the Equal Employment Opportunity Commission has to give individual allegations,

whereas this was a -- on the compress, and what not, but here it is a group allegation.

Q I see.

MS. LEVATINO: No objection.

Q (By Mr. Korbel:) Okay. Do you have any knowledge of discrimination in public accommodations in housing, lets say, in Lubbock County?

Recent discrimination, now?

A Yes. Some of my parishioners were telling me they were going to move to Lubbock.

Q Uh huh.

A And, for example, the other day they called on the phone -- within the past few weeks --

Q Uh huh.

A -- and they asked, where they knew there were rentals available, and the parishioners told me they had phoned this place in Lubbock and asked if they had rental housing available, and they said yes, and just come down, and what is your name; and as soon as they said a Spanish surname, they said: "Well, we are sorry, we have somebody with a deposit waiting to put it on the house right now."

MS. LEVATINO: We will object to the hearsay on that.

MR. KORBEL: Okay.

A All Right. In Shallowater --

Q (By Mr. Korbel:) Go ahead.

A -- and I can speak specifically to Shallowater because I live there, and not only do the tenants -- I mean the ones that own the house tell me this, but the parishioners also tell me, and there is also --

Q Can you describe the instance in Shallowater?

A There are certain houses which are unavailable for Mexican-Americans.

Q I see. And how do you know they are unavailable for Mexican-Americans?

A I have heard it directly from the owners of the house, as well as one of the parishioners.

Q What did they say about the house?

A They said that they wanted to rent it to Anglos.

Q Only to Anglos?

A Right.

Q Would it be available for Blacks, or do you know?

A I don't think so.

Q But you don't know that?

A No, I am sorry. No, I don't know that.

Q Okay. Generally in Lubbock County, does the county have a reputation of having problems for Mexican-Americans finding public accomodations and housing, lets say?

A It depends on the area, really.

Q Uh huh.

A You know, if it is in a, what we would call a barrio area, housing would be fairly plentiful.

Q Uh huh.

A Whereas if you get into the other areas, it would be more difficult to find one.

Q Okay. I want to go into something about the schools in Shallowater, you probably are very familiar with them.

Have you encountered any institutional problems that the Mexican-Americans face in Shallowater?

For example, I want to direct your attention to -- we find, throughout the State of Texas, some problems in the EMR classes, or --

A Yes.

Q -- Education of Mentally Retarded Classes.

A Right.

Q Have you found any problems in those?

A Up until about two years ago, there was two types of mental retardation classes in Shallowater.

Q Yes.

A And there was the MBI, the Minimal Brain Injury, and the EMR, Educable Mentally Retarded --

Q Uh huh.

A -- and the school's principal, as well as the school nurse, told me that the national ratio is ten per cent that should be in Special Ed, and out of these in the MBI class, Minimal Brain Injury, after two years they have an opportunity to go back to their regular class.

There were approximately twenty or twenty-two Anglos and one Mexican-American and one Black at the time in that. And in the Mentally Educable -- in the Educable Mentally Retarded, that means they are marked for the rest of their school time where they will be in mentally retarded classes, there were about twenty or twenty-two Mexican-Americans and one Anglo.

Q I see. Were there any Black?

A One Black.

Q One Black in that class.

Did the school nurse explain to you why there was such a high number of Mexican-Americans in that class,

or did she attempt to explain?

A She did. She sent me an article one day pertaining to the average development of the brain, and how the Mexican-Americans have mal-nutrition and don't have the proper food and diet, and as a result their brain is about three-quarters of normal size.

MS. LEVATINO: I --

MR. KORBEL: Off the record?

MS. LEVATINO: Yes.

[Off the record discussion.]

MR. KORBEL: Back on the record.

Q (By Mr. Korbel:) So there is no question as to the record, did the nurse tell you this, or did she send you the article, or did she do both?

A She did both.

Q I see.

A I would like to bring out a point.

Q Yes.

A That this was all brought to a head with a meeting that we had at the school --

Q Uh huh.

A -- with a meeting with the principal, the school nurse, the superintendent, doctors from Lubbock, and the Consul.

Q Now, this got to be sort of a celebrated cause in Shallowater, the number of Mexican-Americans --

A Right.

Q -- in the Educable Mentally Retarded Class?

A Right.

Q Go ahead, please.

A And in this meeting it was pointed out that it is something for the Mexican-Americans and for their benefit, and they shouldn't fight it, that they should allow their children to be in Special Education.

Q So they were saying that placing children in the EMR Classes was beneficial to the children, is that right?

A Right.

Q And at that time did she again explain that Mexican-Americans had inferiorally developed, or inferior size brains?

A Yes. And as a result of this, we had a -- we operated a tutoring class right across from the school on the church grounds, and we got Texas Tech Mexican-American

Students in the Counseling Department to assist these students after school every day.

Q Uh huh.

A And we took one child, for example, out of this EMR Class, and they put her in the regular fourth grade -- she was in the EMR Class for four years, and the school kept telling her how it is harmful to her and she is harming the other children in the class --

MS. LEVATINO: We will object to that.

Q (By Mr. Korbel:) That is all right. Go ahead. Go ahead.

A -- and she is doing well now in the regular class.

Q Okay. Just so there is no question in the record, when this became sort of a celebrated cause out in Shallowater, why you took it upon yourself, as the Pastor of the Parish out there, to prove that Mexican-Americans didn't have inferiorally brains?

A Right.

Q Okay. So you got some volunteer help from Texas Tech, and you took one of those students and demonstrated that all she needed was a little help?

A We had 125 students total in the tutoring program,

but we put more emphasis on a couple of these students that were in these EMR Classes.

Q So it was actually from more students than just the --

A Right.

Q -- ones that were in the program?

A Yes.

Q But you were able, with some tutoring, to take one of these children -- at least one of these children out of the EMR Classes --

A Right.

Q -- and put in the regular class.

Since then has the use of the EMR Classes changed in Shallowater?

A It has changed considerably to the point that now they only allow them to go in for what they term -- what do they call it now? It is not Special Ed any more, it is Advanced Learning, or Concentrated Learning Classes, that is what it is.

Q And is there a graduation from those classes into regular classrooms?

A Yes, they only spend 20 per cent of their day in these classes, and the rest of their time is with regular students.

Q Do you attribute the fact that there were a large number of Mexican-Americans in these EMR Classes to any specific thing?

A Basically it was the language barrier, communication.

Q I see. At this time in the Shallowater School District, do any of the teachers speak Spanish?

A No.

Q And I trust the superintendent or the principal doesn't speak Spanish either?

A No.

Q How about the counselors?

A The counselor did not.

Q How about the people who are administering the tests to these children and putting them in the EMR Classes?

A No, none of them spoke Spanish.

Q Generally, did the same thing go on in the Lubbock Independent School District? Were there problems with the EMR Classes in the Lubbock Independent School District also?

A As far as I know, yes.

Q You don't know as many specifics about this as you do about the Shallowater Schools?

A That's right. I know of individual cases, but I couldn't say.

Q Generally, do you know how many Mexican-American

Students are in the EMR Classes in the Lubbock Independent School District?

A No.

Q All right. I am now going to show you what I would like to have identified as P-4, Howell Deposition, Lubbock.

[Thereupon the instrument hereinafter
[described was identified as Plaintiffs'
[Exhibit No. 4, Howell Deposition,
[Lubbock County, and same was retained by
[Counsel for Plaintiffs, and does not
[appear herein.

Q (By Mr. Korbel:) And I will ask you to identify it.

Are you familiar with this document?

A Yes.

Q And can you describe what that is?

A It is A History of the Mexican-Americans in Lubbock County, written by Andrew A. Tijerina for his degree.

Q And was that submitted in partial fulfillment of the requisites for the Degree of Master of Arts?

A That's right.

Q Printed at Texas Tech University?

A In August of '73.

Q And are you familiar with Andrew Tijerina?

A Yes. I have met him on several occasions. He has discussed some of the points.

Q During the preparation of this thesis, did he discuss with you some of the matters that are contained in it?

A Yes, he did.

Q And did you give him some suggestions, and did he take some ideas from you for that?

A Yes.

Q Okay. Can you describe generally what this thesis contains, and what it is?

A It is basically a history of the movement of the Mexican-Americans to the Lubbock Area, primarily --

Q Uh huh.

A -- or lets say, to Texas.

Q Uh huh.

A And the history of their segregation.

Q This is sort of a history of Mexican-Americans in Lubbock County, is that right?

A Yes, bringing out some points that --

Q Okay.

MR. KORBEL: We would like to offer Plaintiffs' Exhibit P-4, Howell Deposition, Lubbock County,

into evidence at this time.

MS. LEVATINO: We do not object to the offering of this in so far as it is a thesis done by Mr. Tijerina; however, we will reserve objections as to any conclusions that are in here.

MR. KORBEL: Fine.

MS. LEVATINO: We talked about this.

MR. KORBEL: Yeah. Okay. Lets go off the record.

MS. LEVATINO: Can we go off the record?

MR. KORBEL: Yeah.

[Off the record discussion.]

MR. KORBEL: Back on the record.

It is stipulated, then, that copies of this will be made and furnished to Counsel.

Q (By Mr. Korbel:) Okay. Now, your testimony is generally about some instances of discrimination and problems that Mexican-Americans have faced in Lubbock County since the late '50's and middle '60's, and on through almost 1970.

Would it be fair to say that this chronicles instances of discrimination against Mexican-Americans prior to that time, or should I say including prior to that time?

A It goes to about 1971, I think.

Q I see.

MR. KORBEL: And when I say "this," I am referring to Plaintiffs' Exhibit P-4, Howell Deposition, Lubbock County.

Now, I am going to show you what is going to be identified as Plaintiffs' Exhibit P-5, Howell Deposition, Lubbock County, and ask the Reporter to identify it.

[Thereupon the instrument hereinafter [described was identified as Plaintiffs' [Exhibit No. 5, Howell Deposition, [Lubbock County, which was retained by [Plaintiffs' Counsel, and therefore a copy [of same does not appear in this [deposition.

Q (By Mr. Korbel:) Are you familiar with this thesis -- well, first of all, will you describe it, please?

I am sorry.

A This is a thesis by Lynn Ray Musslewhite, A Thesis

In History for the Degree of Master of Arts, written in 1969, which shows the development of the public school system in Lubbock from 1891 to 1941.

Q And are you generally familiar with the -- or do you have some recollection, at least, of the contents of that thesis?

A Right.

Q And is that what it does contain, is sort of a history of the Lubbock Independent School District?

A Yes, it is primarily historical.

Q Uh huh.

MR. KORBEL: Off the record.

[Off the record discussion.]

MS. LEVATINO: Back on the record.

I will offer the same objection to this, and we can also stipulate to the same reproduction agreement.

MR. KORBEL: Fine. We will reproduce it for you.

MS. LEVATINO: I don't want to look through it at this time.

MR. KORBEL: Okay.

Q (By Mr. Korbel:) Do you have some -- can you comment on the current Mexican-American and Black parental involvement in the schooling in Lubbock County?

What is the degree of the parental involvement, and the help they are able to give their children?

A It is very low, primarily for the Mexican-American and Blacks --

Q Uh huh.

A -- as far as participation in any type of school PTA's, and education of their children in the schools.

Q Now, why is that?

A Basically I think that the Mexican-American parent, or Black parent, feels like when education starts, that they are teaching the child up until the time they enter school, and their education burden rests completely on the school.

Q Uh huh. And are there any other reasons that you can think of that would lead to this small parental involvement?

A Well, lack of education on the part of the parent. They feel because they don't have the education, they can't speak to the teachers in the school in the proper

fashion. It would be the language barrier.

Q They feel hesitant to approach the teachers because they are unsure of their ability in the English Language, is that right?

A Yes.

Q And do many of the parishioners and many of the people you work with have problems speaking English?

A Yes, they do.

Q All right. It is not because -- it is not because they are not interested in their children that they seem to have a small parental involvement, or a small parental interest in the education of their children?

A No, not that.

Q Okay. Well, is it, or isn't it? Is it because they are not interested?

A Oh, no.

Q Okay. Now, Father Howell, where were you born and educated?

A I was born and educated in New Orleans, Louisiana.

Q And are you generally familiar with the condition of the plight of the Blacks in Louisiana?

A Yes, fairly well.

Q And how long did you live in Louisiana before you left?

A I lived in Louisiana until I was about 30 years old.

Q And did you attend the seminary in Louisiana?

A I attended the seminary in Alexandria, Louisiana.

Q And is that far from -- off the record for a minute.

[Off the record discussion.]

MR. KORBEL: Okay. Back on the record.

Q (By Mr. Korbel:) How far is Alexandria, Louisiana, from East Carroll Parish?

A I would say it is about 50 or 75 miles.

Q Are you generally familiar with East Carroll Parish?

A Yes, fairly.

Q And during the time that you were in the seminary, and while you were growing up in Lubbock County, you had occasion to -- in East Carroll Parish, I should say, you had occasion to observe the condition of the Blacks in that Parish, you testified to that.

Can you compare the condition of the Blacks in East Carroll Parish with the conditions of the minorities,

the Mexican-Americans and Blacks, in Lubbock County?

MS. LEVATINO: We will object to that question as not relative to this case in any way.

MR. KORBEL: Do you want me to rephrase the question?

MS. LEVATINO: If you want to. We will try again.

Q (By Mr. Korbel:) Can you compare the conditions of the minority -- the political, social and economic condition of the minority in East Carroll Parish with the political, social and economic conditions of the Mexican-American and Black minorities in Lubbock County?

MS. LEVATINO: We still object to it not being relative.

MR. KORBEL: Yeah. Okay.

Q (By Mr. Korbel:) Go ahead and answer.

A Okay. Yes, up until about ten years ago, or eight years ago.

Q And what can I say? I want to compare East Carroll Parish ten years ago with Lubbock County today.

A Okay. I would say that the -- primarily the Mexican-Americans are at a disadvantage because of language barrier and lack of political structure, in a sense, you could say, in comparison to the Blacks in the East Carroll Parish in Louisiana, in that they were forming their political structure at that time and getting out the vote, they were beginning it.

Q At the very beginning?

A Right, the very beginnings of it.

Q Okay.

A And we haven't reached that stage of political grouping.

MR. KORBEL: I guess that is all the questions I have.

EXAMINATION

By Ms. Levatino:

Q Rev. Howell, what order of the ministry -- I mean besides Catholic, what order of priest are you?

A Secular Priest, work in a parish.

Q Work in a parish?

A Yes.

Q And were you in any other parishes prior to leaving Louisiana and coming to Shallowater?

A No, I began as Priest here.

Q So you have been here for your entire religious career?

A Right.

Q Or vocation.

I would like to ask you just a couple of questions. I am sure you are aware that this case is concerned with the need, or the requirement of a single member legislative redistricting system, as opposed to a multi-member, in Lubbock County.

A Yes.

Q Is Shallowater, the place that you have mentioned which is your home here, in the multi-member district?

A Yes.

Q Of Lubbock County?

A Yes.

Q Are you familiar with the legislative members of that -- for the House of Representatives, of that delegation?

A Yes.

Q Mr. Tarbox?

A Yes.

Q And Mr. McAlister?

A Right.

Q Okay. You mentioned in your prior testimony that you had -- that the people in your parish do come to you for a variety of advice and consultation, school problems?

A That's right.

Q Okay. Do they come to you with regard to issues that may be considered political issues, more than just problems they encountered in the actual voting process that you have testified to earlier?

A Could you clarify that a little bit more, please?

Q Okay. Do they come to you asking you about, for example, candidates, or races, or questions that would be considered political questions, other than that particular instance you were talking about with their trouble at the voting box?

A Right. Yes.

Q Questions as to how to register and vote --

A Right.

Q -- this kind of thing?

A Right.

Q So, in other words, you really do attempt to help

them in all these areas?

A Yes.

Q Are you familiar, or were you aware of any issues before the Texas Legislature in this last session which would be of particular interest to Mexican-Americans in this area?

A Pertaining to bills introduced?

Q Right.

A Bilingual education.

Q Okay.

A Fair housing.

Q Okay.

A Along that line.

Q Did you personally contact any member of the legislative delegation with regard to these issues, recommending a certain course of action?

A No.

Q Did you recommend to any of your parishioners that they attempt to do so, or assist them in doing so?

A Yes.

Q You did?

A Yes.

Q All right. Are you aware of how your delegation voted on the -- how the Lubbock Delegation voted on the

bilingual bill?

A Yes.

Q And would you tell the Court how they voted?

A Yeah, they voted in favor of the bilingual bill.

Q Okay.

A But my interest -- if I can insert this?

Q Certainly.

A Is not not necessarily the voting record, it is how a representative of ours stands up and introduces a bill into legislation, which is beneficial to the people, and that is what we look for.

Sure, we can write in and we can say: "Vote in favor of this bill." But as far as the representatives that we have introducing any particular bill, like they didn't introduce the bilingual education bill. They didn't introduce the fair housing bill. These are the type of things that we look for in our representatives in the area.

Q Okay. Have you ever, or has anyone ever discussed with you some of the procedures with regard to the House of Representatives in terms of co-signing bills, and in terms of one member offering, for a number of years, carrying certain kinds of legislation, and rather than a duplicative amount of bills being introduced on the same subject, that

they get the agreement of other members to assist them?

A Right.

Q And in voting?

A Yes.

Q And would you say -- pardon me, are you familiar with Carlos Truan, Representative Truan from Corpus Christi?

A I know his voting record fairly well.

Q Okay. Are you aware that the bilingual education legislation has -- that that particular type of legislation has been introduced by him over a number of sessions?

A Right.

Q You are aware of that?

A Yes.

MR. KORBEL: Lets clear up what we mean by "a number of sessions." He hasn't been in the legislature too many years.

MS. LEVATINO: Well, he has introduced that bill for the last two sessions.

MR. KORBEL: Well, for the last two sessions. I think he was elected in 1968.

THE WITNESS: Can I --

MR. KORBEL: Off the record.

[Off the record discussion.]

MS. LEVATINO: Back on the record.

Q (By Ms. Levatino:) What other issues; you mentioned fair housing legislation, and that did not come to a vote in the legislature, is that correct, this last time?

A As far as I know, no.

Q Okay. What other issues in the legislature -- or that would be within the purview of a state legislature to deal with, would you consider of significance to the Mexican-Americans in Lubbock County?

A I think one of the primary things that would help out, and we have expressed our opinion in several letters, is the type of bill that would aid the farm laborers, for example. They are the only ones excluded from minimum wage right now, except for a thirteen week period -- I am sorry, they are allowed to work 500 man hours per quarter, in a thirteen week period, which excluded them from minimum wage; at any wage possible.

This is the type of bills that we are looking for to help raise the standards of farm laborers, for example.

Q Okay. Now, you say you have expressed this feeling

to your legislative delegation, is that correct?

A Yes.

Q Have you received any response from them?

A I personally haven't, excuse me on that, but we have pushed it through the people.

Q Okay. Has the organization, or the people that did express this feeling to the legislature, have they received any response from them, to your knowledge?

A They have received a type of response, but I couldn't really spell it out exactly.

Q Okay. Turning to a couple of other questions or areas here, are you familiar with the percentage of Mexican-Americans, or Spanish surnamed population in Lubbock County, in this district, or in either of the legislative districts in Lubbock County?

MR. KORBEL: We will stipulate that the percentages according to census would be approximately -- of the preceding census would be the approximate percentages in Lubbock County.

MS. LEVATINO: All right. Are you planning to --

MR. KORBEL: We will introduce an exhibit

which will set that all out. If you want to go into it now, I can put it into the record.

Q (By Ms. Levatino:) Well, do you have an idea, sort of a ballpark kind of figure?

A I would say roughly twenty to twenty-five per cent.

Q Okay. You can put it in later.

MR. KORBEL: Okay.

A Yeah, 24.7.

Q All right. About 25 per cent.

Now, you mentioned in Shallowater that the voter registration, however, is much lower than that?

A Right.

Q Are you aware of what it will be in the remainder of the county?

A It would be approximately twenty-five per cent, I would imagine.

Q Okay. In Shallowater, are you aware of any movement within the county to register more Mexican-Americans to vote?

A Yes, we have run several campaigns.

Q Okay. Approximately how many Mexican-Americans -- or pardon me, what is the population of Shallowater?

A Well, of the city itself -- now, when I talk about Shallowater, I talk about the outlying areas also, the school district.

Q Uh huh.

A The city population is about 1,400.

Q Okay.

A The total population would be, I would have to take a rough guess of about 4,000.

MR. KORBEL: Off the record.

[Off the record discussion.]

MS. LEVATINO: Back on the record.

Q (By Ms. Levatino:) In the race that we discussed earlier of Paulina Jacovo, you said that in the first primary, there were approximately -- the vote was approximately 500 to 50 in Shallowater?

A In the first primary it would be about 408 to 47.

Q Okay. 47.

A Yes.

Q And the 47 were for...?

A Ms. Jacovo, primarily.

Q Ms. Jacovo. Okay. And then in the run-off it was 500?

A It was over 500.

Q To 50?

A To 50.

Q All right. Do the ballots, or is there any way in those kinds of elections that you can -- let me ask you this:

How many voting precincts are there in Shallowater?

A There is one.

Q Okay. Is there any way that the ethnic breakdown of how those people voted can be determined from that one voting precinct?

A No.

Q Okay. You would estimate that the -- or you did testify to the fact that the increase of voters were white voters, is that correct?

A Right.

Q All right. That is your opinion?

A That is because of the amount of registered voters that we have among Mexican-Americans. There is about 88 registered voters.

Q Mexican-Americans?

A Right.

Q Okay. And of those, approximately half --

A About half of them.

Q Okay. The South Plains Area Association of Governments, turning to that group for a moment; how are members of that association now -- how do you become a member of that group?

A It is made up of all of the elective offices in the area.

Q So every single elected officer in the area is on it?

A No. No, I imagine they elect them for that, I am not really positive.

MR. KORBEL: Lets go off the record.

[Off the record discussion.]

MS. LEVATINO: Back on the record.

Q (By Ms. Levatino:) Father, since you have been in Shallowater in your parish there, have any of the candidates for the legislature campaigned in that area for the support of people in that area?

A I can't say that they have, no.

Q Okay. Either personally or by a direct mail type thing?

A A mail type thing, yes.

Q A mail thing?

A Yes.

Q And I assume, or is it correct that Shallowater, any media in which advertising or campaigning is done in Lubbock, would reach the Shallowater area?

A Yes, the Lubbock Avalanche Journal.

Q And in the newspaper?

A Yes.

Q All right. Have any of the -- of your parishioners and the Mexican-Americans you have dealt with expressed any desire to either run for the Texas Legislative Seats, or inquired as to a possibility of thinking along those lines?

A No.

Q Okay. Are there any -- or would you list, if there are any politically active or oriented Mexican-American groups within Shallowater or Lubbock which you are familiar with?

A Yes, there is LULAC, GI FORUM, they don't put a label of political, but when they talk about political, I am talking about voter registration; if you want to make that

political.

Q Okay. Do either of these two, LULAC, or GI FORUM, endorse candidates, or make up any kind of literature in Spanish, or in American -- in English, cut that; make up any written material, either in Spanish or in English with regard to the qualifications or endorsement of some candidates?

A I don't know of any.

Q You don't know of any?

A No.

Q Do you know if LULAC or GI Forum, in anyway, attempts to solicit any members of the minority group, or any White person, to run for office?

A No.

Q Okay. Are you aware of any political group in Lubbock County which is not of Mexican-American general membership, which is involved in either slating candidates, endorsing candidates, or soliciting candidates to run for legislative offices?

A I would say League of Women Voters, they are primarily concerned with registering, but I think, if I am not mistaken, at one time they supported a candidate.

Q So would it be fair to generally say that in Lubbock County, the candidates, the people that run, make

that decision on their own, as opposed to seeking the support of an identifiable group prior to becoming a candidate?

A Right.

Q Okay. Thank you. Let me ask you just one final question:

In your opinion, the problems that are involved specifically with the school treatment of Mexican-Americans, the lack of Spanish speaking instructors and counselors, and so forth, that you have brought out before, the prior incidents of discrimination which you have mentioned with regard to barber shops, swimming pools, theaters and voting; would you characterize many of these problems as ones which would be on a local level in terms of Lubbock and the feeling of this community that gives rise to these particular problems?

MR. KORBEL: Do you understand the question?

A Yes, but I am trying to think of -- you mean as far as I can judge from other areas, is it a local situation?

Q I am saying is the feeling of the Lubbock Community, either perpetuating or forming the problem in this area, as opposed to another area that you are familiar

with?

A I would say the Lubbock Area, yes.

Q All right.

MR. KORBEL: Off the record.

[Off the record discussion.]

MS. LEVATINO: Back on the record.

A I can't testify for other areas, now.

Q All right.

A I am just saying for the Lubbock area.

Q I realize that. But it is a feeling it is in this area?

A Right.

MR. KORBEL: Just so there is no question on the record, are you asking him is Lubbock a racist community? Is that the question you are asking?

MS. LEVATINO: No, that is not really -- I see how you are getting to that, but --

MR. KORBEL: Is that the question you

are answering?

MS. LEVATINO: I am asking -- what I am asking is are there problems, or feelings within this community in prior things of discrimination and activities that have gone on; were those the things that led -- or that he thinks are the problem. I mean I don't know if you want -- you, on redirect, may want to ask something.

MR. KORBEL: Okay. Fine. Off the record.

[Off the record discussion.]

MS. LEVATINO: Back on the record.

Q (By Ms. Levatino:) You testified earlier, Father, that there were certain areas of Lubbock in which there would be a concentration of Mexican-American housing, and so forth. Lubbock is approximately 25 per cent Mexican-American?
A Uh huh.
Q Do you think that a Mexican-American, without the support of the Anglo, some support of the Anglo Community, even in a single member district, could win a legislative race, given these percentages?

A It depends on how the boundary line is drawn.
Q In other words, are you saying that you could draw a district in which a Mexican-American could be guaranteed of being elected to the State Legislature?
A I would say you would need some Anglo support regardless of how you drew it.
Q Okay.

MR. KORBEL: I am going to object here, and maybe you can rephrase the question. Lets get "guaranteed" out of there. I think that is a -- that is a confusing term to me.

MS. LEVATINO: Would make it --

MR. KORBEL: Possible.

Q (By Ms. Levatino:) Would make it highly possible and perhaps probable that a Mexican-American would be elected.
A I would say possible, I don't know about probable, how probable it would be.
Q Okay. Father, are you familiar with any Mexican-Americans that presently hold elective office here in Lubbock?
A No.
Q There are now none on the school board, or any

of the other --

A No.

Q Are you familiar with any Mexican-Americans that have previously held elective offices?

A Not that have held, no. That have run.

Q In other words, it is your testimony that no Mexican-American has held elective office in Lubbock County --

MR. KORBEL: We will stipulate that since Reconstruction, a Mexican-American has never been successful in holding a political office in Lubbock County, any elective office, with the exception of a certain small number which we will have on an exhibit that we will offer.

MS. LEVATINO: Okay.

Q (By Ms. Levatino:) Are you familiar with any Blacks that have held any elective offices in Lubbock County?

A Yes.

Q And would you state them?

A Joan Irving is now a member of the school board. That is the only one I am familiar with.

Q Are you familiar with any Blacks that have held elective political office in Lubbock County prior to this, that are not in office now, but that have been?

A No.

MS. LEVATINO: I think those are the only questions I have.

MR. KORBEL: I have got a couple of questions.

FURTHER EXAMINATION

By Mr. Korbel:

Q Do you feel, Father, that Lubbock is a racist community, and that this racist sentiment adversely affects Mexican-American possibility of participation in politics?

A Yes, definitely.

Q And do you feel that the -- well, is this racism, is this an Anglo racism, is that what we are talking about?

A Right.

Q And do you feel that this affects Mexican-American chances for election to political office?

A Yes.

Q Do you feel that the election returns in the few races that Mexican-Americans have been able to run in reflects racial patterns of voting?

A Yes.

Q The Anglos voting very heavily for the Anglos and against the Spanish Surnamed individuals?

A Yes.

MS. LEVATINO: Are you going to introduce any of those voting records?

MR. KORBEL: Yeah. Off the record.

[Off the record discussion.]

MR. KORBEL: Back on the record.

Q (By Mr. Korbel:) Lets go back, Father, are you generally familiar with Mexican-American candidates who have run for political office in Texas, in Lubbock County, I should say?

A In Lubbock County, yes.

Q And would one of those be the Paulina Jacovo race?

A Yes.

Q And are you generally familiar with the precinct by precinct breakdown of the votes in that race?

A Fairly well.

Q All right.

A I couldn't quote them exactly.

Q This morning did I show you a copy of what I claim to be the precinct by precinct breakdown, and did you inspect that?

A Right.

Q And would you say, on the basis of that, and on the basis of your general knowledge of that precinct, that the Anglos were voting against Paulina Jacovo?

A Yes.

Q Okay. And in the Anglo precincts, did her -- strike that.

We are talking about drawing a district in Lubbock County; where Mexican-Americans and Blacks make up only about -- according to census, only about 34 -- strike that. Only about 24.70 per cent of the population, that is the Mexican-Americans and the Blacks together, the Blacks being 7.4, and the Mexican Americans being 17.33.

Do those Mexican-Americans and Blacks, for the most part, live in a very concentrated area?

A Yes.

Q And would you say that, oh, 80 per cent of the Mexican-Americans and Blacks would live in a general area?

A I would say a good 80 per cent, yes.

Q Okay. And so if a line were drawn which included most of the Mexican-Americans and Blacks in one district, would you then say that a Mexican-American or Black would at least have a shot at the legislature?

A Yes.

Q He would at least nave a chance?

A Very definitely.

Q Okay. And why would that be?

A Because of the concentrated voting of the minorities in that area.

Q Of course, they wouldn't be fifty per cent, again, though, you know.

A No, they wouldn't, but there are a certain amount of Anglos that vote for minorities.

Q That would be open minded and would vote?

A That would be open minded and vote for them.

Q Okay.

A A few.

Q All right.

MR. KORBEL: I don't think I have anything

further.

MS. LEVATINO: That is all.

MR. KORBEL: Thanks a lot, Father.

[Deposition Concluded.]

---oOo---

EXHIBIT 1, HOWELL DEPOSITION, LUBBOCK COUNTY OMITTED BY AGREEMENT OF PARTIES. FORMERLY PAGES 1878 THROUGH 1880

EXHIBIT 2, HOWELL DEPOSITION, LUBBOCK COUNTY

FEDERAL GUIDELINES REFUSED BY SPAG

Directors of the South Plans Association of Governments Tuesday refused to change the makeup of their board to fit federal requirements for a regional economic development district.

Economic development districts are a federally-funded attempt to aid economically depressed area. A six-county district already exists and the federal and state governments want it expanded to cover the entire region.

However, federal guidelines require that minority ethnic groups be represented on the district's governing board, and it was proposed that the 25-member SPAG board be enlarged to 34 members, with the additional members appointed from among minority group elected officials in the area.

SPAG board members are now elected by member governments and the directors rejected this proposal in part because it would mean, as Lubbock County Commissioner Arch Lamb put it, "this board telling local governments who to send ot this board."

The change was also rejected because the Economic Development Administration may not exist after next June when its present funding expires.

Lubbock City Councilwoman Carolyn Jordan questioned "making such a drastic change in our bylaws to fit a program which might not be in existence this time next year."

EDA representative Leon Whitney told the board that a regional district could still be set up independent of SPAG, but SPAG President Giles McCrary pointed out that some of its activities might be in competiton with SPAG.

In other business, the board authorized the staff to pursue with state officials the possibility of the state funding a $10,000 study of the region's various drug abuse control programs.

Several directors expressed the desire that more emphasis be placed on drug law enforcement, especially through undercover police work.

The board also gave a favorable comment to a planned $288,800 improvement of the of the Cochran County airport.

EXHIBIT 3, HOWELL DEPOSITION, LUBBOCK COUNTY, OMITTED BY AGREEMENT OF PARTIES, FORMERLY PAGES 1882 THROUGH 1883

THE STATE OF TEXAS]
]
]
COUNTY OF LAMB]

I, BOBBY G. ROGERS, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the facts stated by me in the caption hereof are true, and that the said witness did make the above and foregoing answers in response to questions propounded as shown, and that I did, in shorthand, report said proceedings, and that the above and foregoing typewritten pages contain a full, true and correct transcription of my shorthand notes taken on said occasion.

WITNESS MY OFFICIAL HAND, this the 25th day of November, A.D. 1973.

_____

Certified Shorthand Reporter.

---oOo---

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CURTIS GRAVES, ET AL, VS. BEN BARNES, ET AL	NO. A-71-CA-142
DIANA REGESTER, ET AL, VS. BOB BULLOCK, ET AL	NO. A-71-CA-143
JOHNNY MARRIOTT, ET AL, VS. PRESTON SMITH, ET AL	NO. A-71-CA-144
VAN HENRY ARCHER, ET AL, VS. PRESTON SMITH, ET AL,	NO. A-71-CA-145
FRANK ESCALANTE, ET AL, VS. MARK WHITE, ET AL,	NO. A-73-CA-115
JAMES GASKIN, ET AL, VS. MARK W. WHITE, ET AL,	NO. A-73-CA-146
WANDA L. CHAPMAN, ET AL, VS. MARK W. WHITE, JR., ET AL	NO. A-73-CA-155

ORAL DEPOSITION OF JESSIE RANGEL

Taken November 21, 1973

BUBBY G. ROGERS

SOUTHWEST REPORTING SERVICES

P.O. BOX 267

Littlefield, Texas, 79339

A P P E A R A N C E S

FOR THE PLAINTIFFS: HON. GEORGE KORBEL
Mexican-American Legal Defense and Educational Fund
501 Petroleum Commerce Bldg.
310 North St. Mary's Street
San Antonio, Texas

FOR THE DEFENDANTS: THE ATTORNEY GENERAL OF TEXAS
SUPREME COURT BUILDING
Austin, Texas

By Hon. Elizabeth B. Levatino
Hon. Larry York

---oOo---

- A G R E E M E N T -

THE PARTIES TO THE ABOVE entitled and numbered cause, through their respective attorneys of record appearing herein, waive notice, service and time; and agree that the deposition of JESSIE RANGEL, may be taken on behalf of Plaintiffs on the 21st day of November, A.D. 1973, before Bobby G. Rogers, Certified Shorthand Reporter in and for the State of Texas.

THE PARTIES FURTHER AGREE that all objections as to form and substance will be made by the Parties at the time of the taking of the deposition.

THE PARTIES FURTHER AGREE to waive reading of the deposition to, or by the witness, and the signing thereof by the witness, and agree that same may be returned into Court by the Reporter, or the attorneys of record for filing in said Court, and be used on the trial of these causes with the same force and effect as though the witness had read and signed the same.

---oOo---

Thereupon,

JESSIE RANGEL

was called as a witness on behalf of the Plaintiffs, and having been first duly sworn, testified as follows, to-wit:

EXAMINATION

By Mr. Korbel:

Q Would you state your name, please, for the record?

A My name is Jessie Rangel.

Q And where do you live, Mr. Rangel?

A I live at 516 55th Street.

Q And is that in the City of Lubbock, in Lubbock County, Texas?

A Yes, it is.

Q And is that located within the Lubbock County Multi-Member District?

A Yes, it is.

Q And will you state your occupation?

A I am an Admissions Counselor over at Texas Tech

BEST COPY AVAILABLE

University.

Q And how old are you, Mr. Rangel?

A I am twenty-nine years old.

Q And as an Admissions Counselor, have you had occasion to -- strike that.

Have you lived in Lubbock County all of your life?

A I have been here twenty-seven years.

Q And since you have been in Lubbock County, have you ever experienced any, or encountered any discrimination against you due to the fact you were Mexican-American?

A Yes, I have.

Q And can you describe some of that, please?

A Well, I can describe two recent incidents.

One, a year and a half ago, in this motel right after a football game, my wife and myself and another couple came down to have something to eat.

Q And were you all Mexican-Americans?

A Right. We were.

Q All right.

A And we walked in here and we sat down and we sat and we sat, expecting somebody to come back to bring us a glass of water or a menu, or something --

Q Uh huh.

A -- and since being at a football game, you know, people were coming in all the time --

Q Uh huh.

A -- but after awhile we noticed that nobody would come back and give us even a glass of water or a menu, or anything.

Q Uh huh.

A So we figured that possibly we weren't going to get served, so we got up and walked out.

Q Uh huh. And during that time were Anglos being served?

A Yes, they were.

Q I see. Okay. And prior to that were you ever discriminated against in restaurants or any other type of occupation -- or any other type of facilities?

A Well, after I got married in '71, at the time I was an undergraduate at Tech, and my wife was a school teacher, and we needed a place to live, so there was a place on 24th Street that I figured I could -- since I was going to school, it was a good chance for me to be near the school, and at the same time it was pretty close to where she was teaching, and there was an ad in the paper about this house on 24th Street, and I picked up the phone and called this lady --

Q Uh huh.

A -- and at the outset, she asked me if I was a foreign student.

And I said: "No, I am not."

And she said: "You have got an accent."

And I said: "Yes, I do."

And she said: "Are you Mexican?"

And I said: "Yes, I am."

And she went into an elaborate -- first of all she says: "Well, I don't think you would like the house."

And I said: "Why not?"

And she said: "Oh, it is too small for you."

And I said: "Well, it is just myself and my wife."

And she said: "Well, no, I don't think you will like it. It is too small for you."

So, finally, we just kept going back and forth, and I said: "Well, I would like to see the inside of it."

And she said: "Well, no, it is too small for you."

And finally, after five or ten minutes of going back and forth, she said: "Well, I just rented it."

And I said: "Okay."

But at the same time I knew what her reason was.

So I went back a couple of weeks later and the house was still empty.

Q It was still empty?

A Yes, it was.

Q And how about discrimination against you in terms of public park facilities?

A Well, I graduated from Lubbock High in 1964, and at the time they had what they call Seniors' Day, and they take all the seniors out and they have a good time in the afternoon.

Q What was the racial breakdown of the graduating class at Lubbock High at that time?

A Well, to my best recollection, there were only twelve Latin-Americans that graduated.

Q Out of how many?

A Out of approximately 480 students.

Q Okay.

A And they had a, what they called -- and still do to this day, as I know, they have what they call Seniors' Day, and they took us out to Clapps Pool, which is located on 45th and U, and they took us out there to the swimming pool.

Q Okay. Now, just to locate 45th and U, would that be in the Southeastern corner of the City?

A It would be the south part of Lubbock.

Q Southern part of Lubbock?

A Yes.

Q Would this in the minority area of Lubbock?

A No. At the time it was predominantly Anglo, so they took us out there for our Senior Day, and we went swimming, and I didn't have any problem getting in, and there was approximately four hundred and someodd students there, too, approximately.

But later on I went back, because I liked it. They had a good slide there and everything, so I went back by myself and tried to get in and they told me I couldn't go in.

Q Have you ever used that facility since?

A I haven't been back since.

Q Did you ever experience discrimination in -- well, strike that. I think we have covered that discrimination.

Now, with respect to your position as a Counselor, or as an Admissions Counselor at Texas Tech --

A Uh huh.

Q -- will you tell me why that position was set up?

A I don't think it was set up. I think it has been there for a long time, and there was a vacancy, and I have

been there approximately two months now, is all.

Q And what is your primary job over there?

A Well, the different high schools in the State of Texas have what they call College Nights --

Q Uh huh.

A -- and they invite representatives in from different colleges to explain to the students their programs, procedures, and whatever the college has to offer for the students, and we get invitations and we go down and we explain to the students whatever -- we try to answer some of the questions that they have.

Q I see. Now, when you graduated from Lubbock, the Lubbock High School, where were the major amount of Mexican-American students going to school?

A At that time they were going to Lubbock High.

Q They were going to Lubbock High?

A Yes, they were.

Q So the predominant number of Mexican-Americans in the high school when you graduated were in Lubbock High, and there were only how many in your class?

A Well, to the best of my recollection, there were only twelve.

Q How do you account for the fact that Mexican-Americans accounted for such -- when Mexican-Americans

account for such a substantial portion of the population, that there were only twelve Mexican-Americans graduating there?

A Well, I can relate -- again, I think a lot of times that is due to various factors.

Q Uh huh.

A But I believe that one of them is the type of counseling that we have in the high schools.

Q Uh huh.

A But, again, I can only relate what I experienced.

Q As an Admissions Counselor now, yourself, can you sort of describe some of the counseling experiences that you had when you were in Lubbock High School?

A Well, a lot of times a counselor -- well, if I am permitted to name names?

Q Name names if you want to.

A Okay.

MR. YORK: You are encouraged to.

A Dr. Leslie, who is the present Superintendent of Schools, was my high school assistant principal, and I talked to him several times, and also to Ms. Morris, who was my high school principal at the time -- I mean

my high school counselor, my senior counselor at the time.

Q Uh huh.

A And whenever I talked to them I got the impression that they felt that maybe I should go into a vocational type of trade, or a vocational type of training, but I insisted that I wanted to go on to school.

Q Was it in general? Were they counseling other Mexican-American students that they should go into a vocational trade? Was that common?

A Well, I cannot speak for anybody else. The only thing I can say is, you know, what I have been experiencing, what I have been through.

Q Did any of the other twelve graduates, when you graduated from Texas Tech -- when you graduated from Lubbock High, I should say, go on to college?

A To my recollection, none of them did.

Q Are you the only one from your graduating class that went on to college, is that correct?

A The previous year, there was, I think, only ten graduated, and one of them, her name was Anita Carmona, she was the only one, to the best of my recollection, that went on to college.

Q I see.

A And that was the graduating class of '63.

Q I see.

A And when I graduated in '64, I am the only graduate of that particular class that I know of.

Now, two of them, I believe, went to school afterwards, after they got married.

Q I see. Lets see, now, there has been some confusion, I think, about -- or may have been some confusion about the number of Mexican-American students at Texas Tech, and where they come from, and the like.

How many Mexican-American students are there at Texas Tech now?

A Approximately 460.

Q All right.

A Out of 21,000 students.

Q Out of 21,000 students?

A Right.

Q And where do the majority of those students come from?

A Well, I would venture to say most of them come from the surrounding areas of -- within, you know, Lubbock County.

Q Within the surrounding areas?

A Right.

Q We are talking about all the counties surrounding

Lubbock County, they come from about the same areas that the Anglos come from?

A Well, we have some from as far as Plainview, which is not in Lubbock County.

Q Uh huh.

A And we have some from Morton, and we have some from Levelland, Tahoka, Lamesa.

Q How about the Lubbock Independent School District itself, from the City of Lubbock?

A I don't have the breakdown as far as how many come from Lubbock --

Q Uh huh.

A -- but I would venture to say that there aren't that many Mexican-Americans.

Q All right. Now, what was your wife's occupation before you married her?

A School teacher.

Q She was a school teacher. Did she teach in the Lubbock Independent School District?

A Yes, she did.

Q And was she one of the -- is she Mexican-American?

A No, she was born in Mexico.

Q I see. But she is a Spanish Surnamed individual?

A Right. She is.

Q Is she an American Citizen now?

A Yes, she is.

Q I see. Now, when did she begin teaching in the Lubbock Independent School District?

A 1967, I believe.

Q And when she began teaching in the Lubbock Independent School District, how many other Mexican-American teachers were there in '67?

A At the time I don't think there were any. There had been approximately two before her.

Q In the years you were in school, how many Mexican-American teachers did you have, or did you see?

A None.

Q Did you have any teachers that spoke Spanish?

A None -- well, I take that back. My high school language teacher did.

Q Your Spanish teacher spoke Spanish?

A Right.

Q Now, while your wife was a teacher in the Lubbock Independent School District, did she have any experiences -- did she have any discriminatory experiences against her -- strike that.

While your wife was in the Lubbock Independent School District, did she have any experiences with the

no-Spanish rule?

A Well, she did tell me that at one time they had a PTA Meeting --

Q Uh huh. Now, when would this be, about?

A Oh, approximately '68.

Q Okay. 1968.

A They had a PTA Meeting and they invited the parents in, and some of the parents were naturally parents of Mexican-American students, and they couldn't understand what was being said, and as a result she had to speak Spanish to the parents to explain what was being said and what was -- and some of the proceedings, etcetra.

Q And at that time was she teaching in a predominantly Mexican-American School?

A Yes, she was.

Q What school was that?

A That was the Bean Elementary.

Q Okay. Go ahead.

A And while she was speaking Spanish to the parents, one of the nurses reported her to the principal.

Q Uh huh.

A And the principal came by and told her that she was not allowed to speak Spanish anywhere on the school grounds, but she told him that she was going to speak

Spanish any time that she felt like the parents, or the students, didn't understand what was being said.

Q She said she would speak Spanish whenever it would be better as a teacher?

A Right. Whenever she felt that the students or the parents didn't understand what was being said, so there would be a better understanding to the parents and the students.

Q I see. You said that there were twelve or fourteen, I forget how many Mexican-Americans, had graduated from Lubbock High, and that was the most Mexican-Americans in the City that had graduated from high school, when you graduated from high school.

What happened to all the rest of the Mexican-Americans?

A What do you mean?

Q The students?

A You mean between the --

Q I imagine there were more Mexican-American students when you started into grade school?

A Well, as far as I can remember, there were approximately 150 that started Lubbock High.

Q Uh huh. When you were a freshman?

A Well, Lubbock High starts with the sophomore year.

Q When you were a sophomore there were approximately 150 Mexican-Americans?

A That's right.

Q And what accounted for the difference between the 150 and the 12 or 14 that graduated when you graduated?

A Well, there are "x" number of reasons that one can point to.

Q As a present counselor, though, can you describe some of these reasons?

A Well, a lot of times the students will become disillusioned with the system itself, they feel like they are being put down.

Q Uh huh.

A The teacher sometimes attacks their culture and their language.

Q Did you experience that while you were in Lubbock High?

A Well, I did. Many times. I hardly ever participated in any of the activities because I had to work, but I did feel that many times we were left out --

Q Uh huh.

A -- of the -- of a lot of the activities.

Q The teachers made you feel that way?

A Well, the students and the instructors.

Q Yes. Okay. So that a substantial number of the Mexican-Americans dropped out between their sophomore year in high school and graduating from high school, is that correct?

A Yes.

Q And did a like number of Anglos drop out during those years?

A Well, I am pretty sure they did. I don't have the --

Q Would the same percentage of Anglos drop out?

You had almost 90 per cent of the Mexican-Americans drop out; did the same percentage of Anglos drop out?

A I don't have any statistics to that, I don't want to say.

MR. KORBEL: Okay. I don't have any further questions.

EXAMINATION

By Mr. York:

Q Okay. I just have a couple.

A Okay.

Q As far as the reasons for any of the kids dropping out of high school, but specifically the Mexican-Americans dropping out here, wouldn't it be fair to say at least there are other reasons for that?

A That's right.

Q Besides just the influence of the school?

A I said that, I believe that is true.

Q That you would have to look at the culture they had been raised in, --

A Right.

Q -- their own family's motivation, --

A Yes.

Q -- and their own motivation, and just a whole lot of things, even conceding that the school might play some part in it, there are a lot of factors that go into it?

A Yes, I agree with that.

Q It would be entirely too simple to say that they dropped out just because the schools were bad?

A Right.

Q All right. And from your counseling experience, I expect you know that across the state and across tne nation, that even under the best kinds of circumstances in schools, that there is probably a greater problem with

dropouts in Mexican-American kids than there is with Anglo kids, across the board, is that true?

A Yes.

Q All right. On the specific counseling that you got, I think your words were to the effect that you got the feeling that they were encouraging you to do something in the arts and crafts, or in the vocational kind of sphere, as opposed to going on to college. I am wondering how that was verbalized to you?

Did they just tell you, "You, specific individual, ought not to go to college, you ought to be a welder," or was that more of sort of a suggestive feeling that you came away with?

A Well, if you -- if one was to look in the public schools of Lubbock, he will find that in Dunbar, Estacado, and Lubbock High, this is where one will find the vocational types of schools.

For example, you will find the technical, the welding schools, mechanic schools.

And these schools, it is my feeling that the students are being geared towards the vocational type of schools, whereas, at Coronado and Monterey, if they want to take a welding type of trade, they have to go to one of the other schools.

Now, back to your question; yes, I feel like when I was in high school, many times Ms. Morris told me that she felt that I should go into some -- instead of taking triginometry or taking geometry, that I should be taking, like, maybe auto mechanics or wood shop, and I told her that I wanted to go on to college, and she gave me the indication that it was hard.

I said: "Yes, I know it is hard, but I feel I can do it."

And after I came back from the service in '68, I went to talk to Dr. Leslie -- he wasn't a doctor, then, I don't believe he was, he was working in an admissions capacity, and I went and talked to him, and I said: "Mr. Leslie, I want to go on to school."

He said: "Jessie, I think you ought to think about this, it is going to be hard, you have been out of school for four years."

I said: "I know that, but I think I can make it."

And I think that it is my personal opinion that a student should decide what he wants to do.

In other words, I think it is a counselor's job to point out the different opportunities that a student has, but it should be left up to the individual student to make up his mind. If he wants to be a welder, fine, lead

him in the right path. If he wants to be a doctor, a lawyer, what-have-you, fine. But I think it should be the individual student who should make up his mind, and not be encouraged by the counselor to take a -- there has been an investigation by the Civil Rights Commission, and they have always asked Anglo counselors: "What kind of a guy do you think it takes to become a student?"

And they said that they felt and that they assumed that they were not going to college, and therefore, they were led toward a vocational type of training.

This investigation took place in Denver, Colorado, and some took place in San Antonio, and in South Texas.

Q Well, now, I suppose that even in those situations you would probably concede that the motivation of the particular counselor, even assuming that what you say is true, assuming that it is all true, it wouldn't necessarily lead you to the conclusion that the motivation of the individual counselor was somehow racially slanted, would it?

By "racially slanted" I mean slanted in the way of saying: "By golly, I don't like Mexican-Americans, I don't want them to go to college, I want them to be welders or cotton pickers."

I mean it could be a thing where the individual

counselor realizes what the numbers were in terms of Mexican-Americans that had completed college, or had completed high school; might feel that that individual Mexican-American might be better off economically to develop some skills of a saleable sort, rather than to take some courses which might ultimately lead him nowhere; and a well motivated counselor might reach that conclusion.

Would you agree with that?

A I think that would be correct.

Q All right, sir. And I assume that there is no contention being made that the admissions policy at Texas Tech, for instance, is racially off?

A No.

Q In other words, they would gladly take all the qualified Mexican-American students that apply, I suppose, is that not right?

A In my capacity -- we do have certain requirements.

For example, a student does have to have three years of English, two years of math, and science, etcetra, but when a student comes to me and tells me: "I would like to go to school."

And I look at his high school transcript and he lacks a course in English, or he lacks a course in Math, or he lacks a course in what-have-you, and I said: "Look,

"we can't admit you because you lack an English Course."

And they say: "Well, nobody told me about this."

And I said: "Well, did you talk to your school counselor?"

And he says: "Well, he advised me to take a wood shop. He advised meto take band. He advised me to take auto mechanics."

I say: "Well, that is fine, but we can't admit you under those circumstances."

You know, and I feel like -- I talked to Mr. Munoz at Lubbock High, he is the Assistant Principal of Lubbock High, and he was telling me that they were now preparing all students to -- if they want to go on to college, that they will have to meet the minimum requirements for any college.

But there are a lot of students still coming to me who are just out of high school, but they are from the rural area schools, and this student comes in and says: "I don't have enough English credit, or Laboratory credit," and etcetra.

Q Okay. But in terms of Texas Tech itself having a policy which is racially oriented, they apparently have a uniform policy?

A They do have a uniform policy.

Q There is no contention being made that they turn people away just because they happen to be Mexican-Americans?

A No, we admit them if they are qualified.

Q All right. Now, what is the current status of the Spanish speaking rule in the public schools?

Is that still alive and well, or not?

A To be frank with you, I don't know.

As far as I know, the -- my wife also taught in the bilingual program, and it was admitted, so I am saying it has probably been done away with.

Q But that was something that went on at one time, and as far as you know, that is gone now?

A As far as I know it doesn't go on now.

Q Okay. How long did you wait for service after the football game before you decided to give up?

A Well, the reason we went in here was because the couple that we went with, they were from Marfa, Texas, and they didn't believe this existed. And we kept telling them about it, and we said: "Well, it is hard to believe."

And I didn't -- I wasn't expecting it that particular night. It was after a Picador Game on Thursday night, and after the football game, oh, it was a quarter of 11:00, and we came down -- maybe 11:00 o'clock, and we

waited until about 11:30, and we were noticing that people were being served and we weren't.

Q You mean you went into the place with some friends from down at Marfa --

A No.

Q -- and they were kind of saying: "We don't believe you have discrimination up here in Lubbock?

A Yeah. We had talked about this before.

In other words, we were at each other's homes, and we talked about it existing, but they didn't believe it.

Q And you were going to demonstrate it to them?

A Well, I didn't expect it that particular night. I mean I expected that sooner or later they were going to encounter it.

Q And you had been served in that place before?

A No, I had never been to this place before.

Q Oh, you never had been there?

A No, I had never been to the Inn-Town Inn.

Q Oh, is that this place here?

A That is this place here, yes.

Q Well, they serve Mexican-Americans now, don't they?

A Right. Well, again, this is a -- when I came

down that particular -- I came back down and I talked to the manager the next day, and I told him what had happened, and he said he was sorry, and he said they had had problems with a particular waitress, and they were going to get rid of her, and he offered to buy us a dinner, for my wife and the other couple and myself, and I told him I didn't want his dinner, all I wanted, you know, was for him to understand what had happened.

And he said: "Well, any time you want to come back, you are welcome."

And we came back later and she was gone.

So, again, it was a particular instance and it could be, you know, just related to a particular person.

Q Certainly the guy that ran the place -- I mean you didn't walk in with the FBI, or anything --

A No.

Q -- you just came in as an individual?

A Right.

Q And said: "Hey, I didn't get waited on last night."

A Yes.

Q And did he seem genuinely sorry about it?

A That's right. He was. He said they had had some

complaints about that particular waitress, but nobody had come forward.

Q Were they all complaints related to not serving Mexican-Americans, or she wasn't very fast, or couldn't add very good?

A No. According to that manager, he said that they had had -- that they had heard of some little incidences before but nobody had come, you know, into his office and made him a complaint.

MR. KORBEL: Would these have been racial type incidents?

THE WITNESS: Right.

Q (By Mr. York:) But when somebody told him about it, out she went, apparently?

A Well, when I came back a week later, or so, why she was gone.

MR. YORK: Okay. That is all I have got. Thank you very much.

MR. KORBEL: No further questions.

[Witness excused, deposition [concluded.

THE STATE OF TEXAS]
COUNTY OF LAMB]

I, BOBBY G. ROGERS, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the facts stated by me in tne caption hereof are true, and that the said witness did make the above and foregoing answers in response to questions propounded as shown, and that I did, in shorthand, report said proceedings, and that the above and foregoing typewritten pages contain a full, true and correct transcription of my shorthand notes taken on said occasion.

WITNESS MY OFFICIAL HAND, this the 27th day of November, A. D. 1973.

/S/ Bobby G. Rogers
Certified Shorthand Reporter.

---oOo---

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CURTIS GRAVES, ET AL, VS. BEN BARNES, ET AL	NO. A-71-CA-142
DIANA REGESTER, ET AL VS. BOB BULLOCK, ET AL	NO. A-71-CA-143
JOHNNY MARRIOTT, ET AL VS. PRESTON SMITH, ET AL	NO. A-71-CA-144
VAN HENRY ARCHER, ET AL VS. PRESTON SMITH, ET AL	NO. A-71-CA-145
FRANK ESCALANTE, ET AL VS. MARK WHITE, ET AL	NO. A-73-CA-115
JAMES GASKIN, ET AL, VS. MARK W. WHITE, ET AL	NO. A-73-CA-146
WANDA L. CHAPMAN, ET AL VS. MARK W. WHITE, JR., ET AL.	NO. A-73-CA-155

ORAL DEPOSITION OF FROY SALINAS
Taken November 21, 1973

BOBBY G. ROGERS
SOUTHWEST REPORTING SERVICES
P.O. BOX 267
LITTLEFIELD, TEXAS, 79339

APPEARANCES

FOR THE PLAINTIFFS:

HON. GEORGE KORBEL
Mexican-American Legal Defense
and Educational Fund
501 Petroleum Commerce Bldg.
301 North St. Mary's Street
San Antonio, Texas

FOR THE DEFENDANTS:

THE ATTORNEY GENERAL OF TEXAS
SUPREME COURT BUILDING
AUSTIN, Texas

By Hon. Elizabeth B. Levatino
Hon. Larry York

---oOo---

-AGREEMENT-

THE PARTIES to the above entitled and numbered cause, through their respective attorneys of record appearing herein, waive notice, service and time; and agree that the deposition of FROY SALINAS may be taken on behalf of Plaintiffs on the 21st day of November, A. D. 1973, before Bobby G. Rogers, Certified Shorthand Reporter in and for the State of Texas.

THE PARTIES FURTHER AGREE that all objections as to form and substance will be made by the Parties at the time of taking of the deposition.

THE PARTIES FURTHER AGREE to waive reading of the deposition to, or by the witness, and the signing thereof by the witness, and agree that same may be returned into Court by the Reporter, or the attorneys of record, for filing in said Court, and be used on the trial of these causes with the same force and effect as though the witness had read and signed the same.

---oOo---

Thereupon,

FROY SALINAS

was called as a witness on behalf of the Plaintiffs, and having been first duly sworn, testified as follows, to-wit:

EXAMINATION

By Mr. Korbel:

Q Would you state your full name for the record, please?
A Froy Salinas.
Q And can you spell that, please?
A F-r-o-y S-a-l-i-n-a-s.
Q Mr. Salinas, there is a rule that says you are to read these depositions and sign them before a Notary Public and make any changes in there which you feel are wrong, or don't truly reflect the answer, but I have never seen them make a mistake, so we waive that reading and signing, especially where we are in short time.
A But you will read it?
Q I will read it, and if there is a "3" which

should be a "5" or something like that, and if that happens, the lawyers can usually stipulate.
A I will waive it.

MR. KORBEL: Okay. The record should show that the witness will waive reading and signing the deposition.

Q (By Mr. Korbel:) Is that correct?
A That is correct.
Q Okay. Mr. Salinas, what is your residence?
A 1306 49th Street.
Q And that is in Lubbock?
A Lubbock, Texas.
Q And that is in Lubbock County, is that correct?
A Yes, it is.
Q Is that located within the Lubbock County Multi-Member District?
A It is.
Q And what is your occupation?
A Life insurance.
Q I see. How long have you lived in Lubbock?
A Approximately eight years.
Q And prior to your coming to Lubbock, where did you

live?

A Tahoka.

Q And where is Tahoka, Texas?

A Lynn County, 26 miles, approximately, south of Lubbock, Texas.

Q Would it be fair to say that it is within the sphere of influence of Lubbock County, Texas?

A Very definitely.

Q Okay. And you have lived there all your life, is that correct?

A Yes.

Q Either in Tahoka or in Lubbock County?

A That is correct.

Q And how old are you, Mr. Salinas?

A 34.

Q All right, sir. During the time that you have lived in the area, have you ever encountered any discrimination against yourself because of the fact that you were a Mexican-American?

A Yes, I have.

Q And can you describe some of those instances of discrimination?

A Yes. As a young man in Tahoka, there were outright acts of discrimination, and by this I mean

the restaurants had signs on their windows that said "Whites Only," and --

Q When the sign said "Whites Only," was that interpreted to exclude Mexican-Americans?

A Yes, it was.

Q How do you know this?

A Because I was refused service.

Q Uh huh. Just describe some of those instances where you were refused service.

A Okay. First of all, like I say, in Tahoka, I went into a restaurant and they wouldn't serve me.

Q Uh huh.

A A drug store there wouldn't serve me. Restaurants here in Lubbock wouldn't serve me.

Q Now, in Tahoka, what time spans are we talking about? What years would those be?

A That was the early '50's, late '50's.

Q When you were living in that area, is that correct?

A Right.

Q And after you came to Lubbock -- well, lets back up; were there any movie theaters in Tahoka?

A Yes, there were.

Q And were you permitted to go to the movie theaters?

A Yes. Yes, I was.

Q Okay. And then, when you moved to Lubbock, Texas, what year was that, about?

A I moved to Lubbock, Texas, in 1965.

Q Okay. And can you describe some of your experiences in and around Lubbock, Texas?

A Yes, in Lubbock, Texas, I was refused service at Luby's Cafeteria.

Q Uh huh. When was this, now? What year would this be, about?

A That would probably be the late '50's.

Q Now, when you were refused service, can you tell me what you said, or what was said to you, or what was the substance of the conversation?

A Yes. Quite bluntly it was: "We don't serve Mexicans."

Q I see. And did Luby's Cafeteria, did you later find out, have a reputation for not serving Mexicans?

A Yes, they did.

Q Okay. Can you describe some other instances of discrimination?

A Well, there was another -- there was -- in fact, this restaurant was still -- is still in business, and at that time I believe it was called Lee's Malt Shop on

34th Street right off of Avenue H.

Q Uh huh.

A And it is Lee's Cafe, or something.

Q Uh huh.

A I went into that place one time with some Anglo friends --

Q Uh huh.

A -- and we sat down at the table and -- expecting service, --

Q Uh huh.

A -- and they came over, the waitress came over to the table and said she could serve the Anglos but could not serve the Mexicans.

Q In what year would that have been in, about?

A That was in the late '50's.

Q Uh huh.

A I was still living in Tahoka at that time.

Q Uh huh.

A I was up here for a baseball game.

Q Any other instances of discrimination?

A Yes. Tahoka, for example, they would not cut Mexicans' hair, or anybody of Mexican descent, they wouldn't cut their hair.

Q How do you know this?

A Because I was refused service at local barber shops in Tahoka.

Q And what did they say to you?

A "We can't cut your hair."

Q Did they explain why they couldn't cut your hair?

A Because I was Mexican.

Q Okay. Any other types of instances of discrimination, lets say, in entertainment?

A Yes. As a young man, like the record reflects, Tahoka is not that far from here so I used to come to Lubbock quite often for grocery buying, and things like this, and I came to the Clifton Theater and the Lindsey Theater --

Q Uh huh.

A -- and I was refused admission to the theaters.

Q And would those be in the early '60's?

A Yes.

Q Okay. Have you, or any member of your family, experienced any discrimination in housing, or refusal to sell housing?

A Yes. When I -- I would like to explain a little bit.

Q Fine.

A In the late '50's, when I got out of high school --

Q Uh huh.

A -- the reason I am a little bit more familiar with Lubbock than some people is that in 1958 I started working in Lubbock.

Q Yes, sir.

A I lived at Tahoka and I drove back and forth every day.

Q Uh huh.

A So, therefore, I have been associated with the City of Lubbock since 1958.

MR. KORBEL: Off the record.

[Off the record discussion.]

MR. KORBEL: Back on the record.

Q (By Mr. Korbel:) Go ahead.

A In the early '60's, I was still in the process of driving back and forth to Lubbock --

Q Uh huh.

A At that time, I was driving back and forth with

a man by the name of John Chappa, Jr., who at this time is my brother-in-law.

Q Uh huh.

A At that time he was not yet my brother-in-law.

Q Uh huh.

A But he was tired of driving back and forth because he had driven for many years prior to that, back and forth, to Lubbock.

Q And he wanted to move to Lubbock?

A Yes, he was looking for a house.

Q Wanted to relocate in Lubbock?

A Yes, he wanted to relocate in Lubbock. So he found, in Lubbock, a home that he felt like he could afford.

I would like to explain for the record that my brother-in-law is a six foot, light complected, blue eyed person of Mexican descent.

He found a home that he thought that he could afford in what we know as the Arnett-Benson Community of Lubbock, Texas.

Q At that time, what was generally the racial and ethnic makeup of the Arnett Benson Area in Lubbock?

A It was predominately Anglo.

Q I see. Okay. Go ahead.

A He was shown this home in the Arnett-Benson Area by a real estate man, and was told the price, was shown the home; he liked the home, and made an appointment with the real estateman to bring his wife to show the home --

Q Uh huh.

A -- to the lady of the house.

And the next meeting, which I believe was on a Saturday, because this was his day off, he had an appointment with the real estate man, and when the real estate man saw my brother-in-law's wife, who is very Mexican and very dark complected, the real estate man said: "I am sorry, but I don't believe this part of the community would accept your wife being a Mexican."

Q Uh huh.

A And, of course, needless to say, my brother-in-law was furious, and said: "What do you think I am? I am a Mexican, also." And he said: "If that is the general attitude of this community, I certainly don't want to live here and I don't want to buy this home."

So he did not buy the home.

Q And is this typically, this discrimination we have talked about, in terms -- well, strike that.

How about discrimination in other forms of

recreation, lets say parks in Lubbock County, and the facilities --

A If I may...?

Q Yes, sir.

A Could I expand on this real estate thing?

Q Fine.

A Okay. Now, that was many years ago, and I realize that.

Q What year would that be, about?

A That was early '60's.

Q Uh huh.

A '61, '62, somewhere in there probably. I could not -- I am sure that Mr. Chappa would remember the exact date.

Q Uh huh.

A The current housing thing, I would like to reflect, that a year or so ago I was interested in selling my home.

Q Uh huh.

A I live at 1306 49th, here in Lubbock.

Q Uh huh.

A And I was told by not one, but several real estate people, that because of the location of my home, that the value of it had decreased.

Q Now, what do you say "because of location"?

A Okay. They were referring to the boundary, the school boundary, which has been changed by Court Order, to attempt to integrate the Lubbock Schools.

Q Uh huh.

A I happen to live east of Avenue Q.

Q Uh huh.

A The boundary for Dunbar High School, which is a predominately Black School --

Q Before we go any further. Now, Dunbar High School, is that the old Negro High School?

A That is the old Negro High School.

Q And is that located in relatively the same position that it always has been?

A It has always been at -- I take that back. I think they built a new facility.

Q Uh huh.

A The original one was in that general area, but it wasn't the same --

Q But it was in that same general area?

A Yeah. Same general area.

Q All right. And where would that be? Do you know the address, about?

A I believe that is Manhattan Drive, or something

like that, and East 26th, somewhere in there.

Q And would that be generally what you would term the Black Area of Lubbock?

A The Black Area of Lubbock, right.

Q And the population around there would be what percentage Black at this time?

A 98 to 99 per cent.

Q Okay. Go ahead.

A Okay. And I was told by several real estate people that my home had depreciated in value because of the school boundary lines --

Q Uh huh.

A -- and that it would probably be very difficult to sell my home to an Anglo person that could probably afford the equity --

Q Uh huh.

A -- because I have been there several years, and I made a considerable down payment when I bought the home.

Q Uh huh.

A And in the opinion of the real estate people, it would be very difficult to sell my home.

Q Now, at the present time, the Dunbar School, is that primarily Mexican-American and Black?

A I would say it is primarily Black and Mexican-American, yes.

Q I see.

A Very few whites.

Q I see. And we have got exhibits in the record which reflect the percentage of the Mexican-Americans and Blacks and Anglos at that school.

The area you are living in, then, is becoming increasingly minority, is that correct?

A Yes, I would say that, yes. Uh huh.

Q I see.

A More minorities -- I feel like that the real estate people have something to do with this, because they have a tendency to show homes -- vacant homes in this area to minorities.

Q That is the reputation the realtors have in this area?

A That is the reputation they have because they actually do it.

Q They show the Mexican-Americans homes in the Mexican-American area, and the Blacks homes in the Black area?

A That's right. And they will discourage Anglos from buying in that area.

Q I see.

A Because of the devaluation of the properties.

Q Uh huh. Okay. What about the discrimination in other facilities, lets say, parks?

A Yes. We have had, in the past, discrimination in our parks.

Q Can you describe that?

A One example is at MacKenzie Park, for example, the swimming pool facility there, publicly owned by the City of Lubbock, and supported with tax dollars, they would not allow Mexicans to go swimming there.

Q Until when?

A I would imagine that that was -- I was refused service there in the early '60's.

Q Uh huh.

A So, I -- the Civil Rights Act of '64 might have had something to do with it.

Q I see.

A But I believe in '62 or '3, I was refused service there personally.

Q I see. Was there a swimming facility the Mexican-Americans were allowed to use in that area?

Well, lets take this back. Were Blacks also being denied the use of this facility?

A I would think so.

Q Uh huh.

A Not being a Black, I wouldn't know, but I was turned down as being a Brown.

Q Okay. Was there a facility which was open to Mexican-Americans?

A Not that I know of.

Q I see. The City presented no alternate facility for swimming, is that correct?

A No.

Q Until what year, now? You think about '64?

A '64.

Q Okay.

A 1964.

Q I see. Now, you are generally familiar with the history of other types of discrimination in Lubbock County than -- you have just been dealing with the fairly recent types of discrimination in Lubbock County, and we have in the record in the Howell Deposition a History of the Mexican-Americans in Lubbock County, and I am not going to go into detail with you on the past history, I think that thesis speaks for itself.

Okay.

MR. YORK: Which record is that in?

MR. KORBEL: This is in the record in the Howell Deposition, we offered this thesis in the last deposition.

MR. YORK: I take it we objected to it?

MR. KORBEL: Off the record.

[Off the record discussion.]

MR. KORBEL: Back on the record.

Q (By Mr. Korbel:) Does this type of discrimination -- referring to the types of discrimination which you know to exist previous to the late '50's and early '60's and middle '60's, does this type of discrimination against Mexican-Americans still persist?

A I believe that it does persist.

Q Is it as blatant as this?

A No, I believe that it has become more subtle.

Q And can you describe briefly what you mean by "more subtle"?

A Well, I believe that, for example, there is still discrimination in housing.

Q Uh huh. And you have described that?

A I have described that as being -- and that is evident.

Q Uh huh. And how about social discrimination?

A Social discrimination I would say exists today.

Q And lets say the social organizations in Lubbock County -- strike that.

Go ahead. I am sorry.

A Okay. When I am talking about social, I am talking about the -- for example the Rotary Clubs, the Kiwanis Club, Lions Club, and things of this nature; Jaycees, do not reflect the populus, percentage wise of Mexican-American Citizens.

Q Now, are Mexican-Americans actually kept out of these organizations by "No Mexican-Americans Allowed" signs, that type of thing?

A No, that is why I said it is more subtle.

Q Uh huh.

A Because these things are not done.

Q Uh huh.

A However, Mexican-Americans are not encouraged nor invited to participate in some of these social things.

Q Uh huh.

A Some of the other things require money, for

example, the Local Country Clubs, and so forth.

Q Is there any active recruitment on the part of these organizations to get a substantial number of Mexican-Americans, or Blacks, in them?

A That is exactly what I was trying to say. There is no big effort to encourage minorities to participate in these groups.

Q I see. Now, about the schools in Lubbock, would you say that the schools are racially identifiable?

A Yes, they are.

Q As one race schools?

A There are Lubbock Schools identifiable as racially identifiable.

Q Lets take the high schools, for example. There are four high schools in the Lubbock Independent School District, is that right?

A Right.

Q Okay. There is the Dunbar Sch[illegible], which you testified to be the old Black School?

A That's right.

Q And which is now primarily Mexican-American and Black?

A That's right.

Q Okay.

A Well, I think there are more Blacks.

Q More Blacks?

A Uh huh.

Q And what other schools are there?

A Estacado.

Q Yeah.

A That is predominately Black and Brown.

Q Okay. And I guess there are five schools, I am sorry.

A Lubbock High School has probably the highest concentration of Mexican-Americans in the whole City.

Q Uh huh.

And then there are --

A Then the majority schools are Monterey and Coronado.

Q Uh huh. And how many Mexican-American and Blacks would you say attend Monterey and Coronado?

A I would say the percentage would be less than two per cent.

Q I see.

A In either one of them.

Q Very low?

A Very few Black people.

Q Has there been any attempt on the part of the --

part of the School District to integrate the school system?

A Not as far as I know. The only thing they have done is tried to obey a Court Order.

Q I see.

A Which reflects on the attitude.

Q Now, would you say that what they have done is that they have changed the school boundaries?

A Yes, they changed some school boundaries in order to try to achieve some type of integration --

Q I see.

A -- at some of the schools, but they did it under Court Order.

Q I see.

A And the reason they hadn't done anything before was because it would not be popular with the community.

Q I see. Now, when these boundary lines have been changed, and presumably your testimony is that some Anglos then are included within the minority school boundaries, what happens?

A What has happened here, and it is a matter of record, is that there has been White-flight from that area.

Q Now, you have White-flight occurring both from the Mexican-American -- in the Mexican-American school

boundaries, and the Black school boundaries?

A Yes.

Q Now, we have had testimony in previous deposition that Lubbock Schools had a no-Spanish rule that was enforced up until very recently.

Do you know of any other institutions in the City, or in Lubbock County, that also enforced a no-Spanish Rule?

A Yes. Texas Tech University had a no-Spanish rule for some of their employees in 1970.

Q I am going to show you what is going to be identified as Plaintiffs' Exhibit No. 1, Salinas Deposition, Lubbock County.

[Thereupon the instrument hereinafter
[described was identified as Plaintiffs'
[Exhibit 1, Salinas Deposition, Lubbock
[County, and a copy of same is
[attached to this deposition.

MR. KORBEL: I don't have -- off the record.

[Off the record discussion.]

MR. KORBEL: Back on the record.

Q (By Mr. Korbel:) I am going to show you what has been identified as P-1, Salinas Deposition, Lubbock County. Can you identify what this is?

A Yes. This is a copy of a letter that appeared on a bulletin board at Texas Tech University for some of the custodial and maintenance people out there on June 11th, 1970.

Q Uh huh.

A And, basically it states that it is--to promote better relations between the Mexicans out there and the Americans, apparently, we are going to quit speaking Spanish, and it says --

Q Before you continue, would a substantial number of the custodial employees at Texas Tech have been Spanish Surnamed individuals?

A Very definitely.

Q Okay.

A I believe the records will reflect that, and I believe if you check the employment records now, that still exists.

Q And would a substantial number of them be probably more fluent in the Spanish language than in the English language?

A Yes, I would say this is probably true.

Q Okay. Go ahead.

A The way I got ahold of this was that --

Q Well, lets go on --

A Okay.

Q Maybe I can ask you a couple of questions about this.

A All right.

Q Now, this states: "This is to give notice to all employees of the Department of Building Operations that English must (that is underlined) be spoken at all times in the presence of Faculty members, students and all employees who do not speak Spanish. This rule will be strictly enforced and disciplinary action will follow any intentional breach occurring after this notice has been given."

What was your reaction to a statement like that?

A I thought it was a typical racist action.

Q Uh huh.

A Something that someone with a racist attitude would do.

Q How do you feel when you hear something like that, or something is done like that?

A Well, it certainly annoys me that someone has -- that someone that has been given some authority, apparently, would try to enforce something as dumb or stupid as this

thing is right here.

Q And what, if anything, did you do after this came to your attention -- strike that.

How did this come to your attention, this letter?

A One of the employees had heard about some of the activities that LULAC had been involved in, and --

Q And LULAC is what?

A League of United Latin-American Citizens.

Q And can you describe briefly what that organization is?

A LULAC is an organization primarily interested in education. It was founded 45 years ago. The intent of LULAC was to combat discrimination.

Q Uh huh.

A And to better -- to promote education for people of Mexican descent for the purpose of better making a living in the United States.

Q Better community relations?

A Yeah. Right.

Q Okay. And when this came to the attention of the local LULAC Council, what, if anything, happened?

A It was brought to my attention as the District Director for this area of LULAC.

Q Uh huh.

A And the action that I took was to immediately proceed to the University Administration Building --

Q Uh huh.

A -- and I contacted the officials at Texas Tech and asked that this be immediately withdrawn --

Q Uh huh.

A -- and it was done.

Q I want to point out to you, at the end of this letter there are three lines in Spanish.

A Uh huh.

Q And will you explain for the purpose of the record what those three lines of Spanish say?

A Okay. It says: "The one exception to this rule--" and I am translating this, by the way, it is written in Spanish, it says: "The one exception to this rule if anybody wishes to talk to me in Spanish, please feel free to accept conficence --" or, in other words, to go ahead and speak to me in Spanish, and one of the words is mis-spelled.

Q Uh huh.

A And it is a key word in the whole statement, so if someone was educated and knew how to read Spanish, this would really not make too much sense.

Q Okay. And the fellow who signed -- for the record,

the person who signed the letter is C. F. Libby, and he is entitled Director of Building Operations.

It is my understanding, though, that this has been withdrawn and the Spanish Language rule no longer exists, is that right?

A Only after it was brought to the attention of the administrator at a higher level that, quote, "perhaps are better educated."

Q Okay. Now, you earlier mentioned some of the organizations in Lubbock County, the Kiwanis and the Rotary, and those organizations. Would those be racially identifiable -- let me go back and reconstruct the question.

Would there be a substantial amount of Mexican-Americans belonging to any Rotary organizations, or any Kiwanis organizations?

A No.

Q Would the Mexican-Americans and the Blacks have their own separate organizations which they belong to?

A I believe the Blacks have an Optical (Sic.) Club--not Optical --

Q Optimist?

A Optimist, yeah. There is a Black Optimist Club, and there is a Black Lions Club in Town.

Q And to your knowledge, are there any Anglos or Mexican-Americans that belong to the Black Optimist Club or the Black Lions Club?

A I don't think so. Not at this time.

Q To your knowledge, are there any substantial number of Mexican-Americans or Blacks who belong to the other Lions Clubs or Rotary Clubs?

A No.

Q So that basically they are either substantially all Anglo or substantially all Mexican-Americans or Blacks, is that right?

A That's right.

Q Okay. Do you know approximately how many students that personally attend Texas Tech?

A About 21,000 -- total students?

Q Yes. And of those total students, do you know approximately how many are Mexican-Americans?

A I believe it is somewhere around 450.

Q Okay. I think that is all the questions I have got.

A Something interesting --

MR. KORBEL: This is off the record.

[Off the record discussion.]

MR. KORBEL: Back on the record. Okay. I don't have anything else, if you want to start, Larry -- I do have one more thing, maybe I will continue.

I am going to ask that a book entitled "Managing Mexican American Employees," which has been put out by the College of Business Administration of Texas Tech University, be identified as P-2, Salinas Deposition, Lubbock County.

[Thereupon the book hereinabove described [was identified as Plaintiffs' Exhibit [No. 2, Salinas Deposition, Lubbock [County, and same was retained by Plain- [tiffs' Counsel, and therefore a copy of [same does not appear herein.

Q (By Mr. Korbel:) Now, I just want to ask you, again, the title of the article is "Managing Mexican-American Employees," that is the title of the book.

How does a title like that strike you? What reaction do you have to that?

A It turns me off. It offends me.

Q Why is that?

A Well, why should there be a book on managing Mexican-American Employees?

Q Uh huh.

A To me this reflects attitude, and it reflects, perhaps, there is a difference, a vast difference.

Q Now, for the purpose of the record, you are not familiar with the contents of this book --

A No.

Q -- except generally?

A Generally.

Q But the title of the book, if you saw that lying on the table, and saw that it was published by the College of Business Administration of Texas Tech, you would be offended by that?

A Right.

MR. KORBEL: Off the record.

[Off the record discussion.]

MR. KORBEL: Back on the record. At this point I am going to offer Plaintiffs' Exhibit P-1 and Plaintiffs' Exhibit P-2 in evidence.

MR. YORK: Okay. We would, I think, object to both of those as being hearsay

and irrelevant to any legal issue being tried in this case.

MR. KORBEL: Okay. I am going to show you another matter which I am going to have identified as Plaintiffs' Exhibit P-3, Salinas Deposition, Lubbock County.

[Thereupon the documents hereinafter des-
[cribed were identified as Plaintiffs' Ex-
[hibit No. P-3, Salinas Deposition, Lubbock
[County, and a copy of same appears
[attached to this deposition.

Q (By Mr. Korbel:) And ask you if you know what this is?

A Yes. This is a copy of some information that was printed for a Regular Board of Trustees Meeting held January 29th, 1970, of the Lubbock Public Schools.

Q And what does that document represent?

A It is a report of dropouts between the 9th and 12th grades by ethnic groups --

Q Uh huh.

A -- from 1964-65, through 1968-69.

Q And was that report compiled at your request?

A This was one of the --this was as a result of a comment by my person to the Lubbock School officials that

I -- on behalf of LULAC, the LULAC Organization was concerned with the high dropout rate of the Mexican-American students in the Lubbock Public Schools, and this was printed in an effort to say "We are trying."

Q Does the record indicate it has been accepted?

A The record indicates -- the record reflects that very little has been accomplished to curb the dropout rate.

Q Now, you have, I suppose --

A I would like to comment on this. This only reflects between the 9th and 12th grades. I contend that between the 1st and 12th grades, which is the normal school time,--

Q Uh huh.

A -- the dropout rate is considerably higher than what this report reflects.

Q Uh huh. You know that of your experience?

A Certainly.

Q Okay. Do you know how much of an effort Lubbock Independent School District takes to secure attendance of Mexican-American truants?

A I believe that that has commenced, or a program has been started to try to help the truant situation, but this is only a two year old program.

Q In the past, lets say prior to 1970, what, if any efforts were made?

A No efforts were made.

Q I see. Now, then, in Lubbock County, for the State House of Representatives -- strike that.

I have no other questions.

A I would like to make a further comment on this --

MR. KORBEL: Lets go off the record.

[Off the record discussion.]

MR. KORBEL: I guess I have no further questions at this time.

EXAMINATION

By Mr. York:

Q Mr. Salinas, I would like to start at the back, I guess, for a little bit, and work forward.

Let me ask you about this book that has been marked as Plaintiffs' Exhibit 2, titled "Managing Mexican-

"American Employees," apparently that offends you, just the title?

A Yes, it does.

Q And you have admitted you don't know what is in the book?

A No, I am just talking about the title.

Q Okay. Do you think that there are different problems -- that the Mexican-American employees in this area have different kinds of problems in doing the kind of work they do, in this area, than an Anglo employee would have?

A I don't think I understand your question.

Q Do you think that the Mexican-American working man in this area has the same kinds of problems with his employer that the Anglo working man has with his employer?

MR. KORBEL: Can we go off the record for just a second?

MR. YORK: Why don't you let him answer it, and then, if you want to --

MR. KORBEL: Well, I think you are misunderstanding him. I don't think you understand what --

MR. YORK: Well, let me see if I can work it out with him? Okay?

MR. KORBEL: Fine. Fine.

A Okay. You are asking me if I think there are different problems with Mexican-Americans and Anglos?

Q In their relation with their employers?

A I will say probably different problems.

Q You think, then, that the employer might have different problems in relating to a Mexican-American employee than he might have in relating to his Anglo employees?

A Very possibly.

Q You think it would be appropriate, or desirable that the employer study those problems, and try to solve those problems both with regard to his Anglo employees and his Mexican American Employees?

A Do I think he should study their problems?

Q Yes.

A I think he should be aware of their problems?

Q Do you think reading a book on the subject of the particular problems that Mexican-American employees have with their employer might be helpful to that employer in reaching that goal?

A It might be.

Q All right.

A Not that particular book necessarily.

Q Well, you have told us that you don't know what is in the book.

A No.

Q So, being fair about it to both sides, it would be hard to say that about that book since you don't know what is in it? Right?

A Uh huh.

Q You wouldn't quarrel with the fact that it might be a good idea for somebody to write a book on those problems?

A I wouldn't quarrel with it.

Q You would simply suggest that they title it something different, I take it?

A Perhaps.

Q What would you title that book in order to make it not offensive to you?

A Well, first of all, I would get an employee to write the book instead of somebody in an institution such as Texas Tech to write the book.

Q Did you not understand my question, or can we get the reporter to read it back?

A I thought I answered your question.

MR. KORBEL: Off the record?

MR. YORK: Okay.

[Off the record discussion.]

MR. YORK: Back on the record.

Q (By Mr. York:) What would you call it that wouldn't offend you?

Leaving the subject matter the same, what would you call the book?

A "Management."

Q And how would the employer that was going down to buy a book that would tell him how to get along better with his Mexican-American employees, how would he know what to buy if it just said "Management"?

A I don't know. If he was interested in managing Mexican-American employees, it looks like he would be interested in management, in all management.

Q And if he wanted to study those particular problems, then you would just kind of leave him in the bookstore to brouse around until he knew what was in the

books and not have to rely on their titles?

A Perhaps.

Q Why is it that there are only 450 Mexican-Americans at Texas Tech out of a total population of 21,000?

A Why is it?

Q Yes, sir.

A I would say that probably the main reason is that in the Junior High and High School levels, the Mexican-American is counseled that he is a good welder, that he will make a good farm hand, that college is no place for him, and this is reflected by the high number of dropouts in the local Lubbock School system, and take all of this whole area and the same reflection will apply. So, therefore, if there is not that many high school graduates, it stands to reason that you are going to have less people in college.

Money is another thing. You have got to have some financial ability to go to college, and just recently the Viet Nam conflict was another reason.

Q Do you believe that there was a higher number of Mexican-Americans inducted into that war than there were Anglos?

A No, I didn't say that.

Q All right. What did you say?

A I said, for example, perhaps the Anglos, being able to go to college, and having a father with a good bank account to get them into college, were deferred from the service, perhaps, whereas the average Mexican-American would not get that break.

Q Well, what is the make-up of Texas Tech College as far as what numbers of its students come from Lubbock County?

A I believe in recent years that number has increased. I would say maybe 80 per cent of those are probably from Lubbock, or the Lubbock Area.

Q Well, when you say "Lubbock Area," do you mean Lubbock County?

A No. No. I am talking about surrounding Lubbock Area, for example, Tahoka, Idalou, you know, Idalou, for example, is in Lubbock County. I am talking about the radius as is considered the Lubbock Area.

Q What percentage of the students at Texas Tech are out of state students?

A Percentage?

Q Yes.

A Which ones are you talking about? The Mexican-Americans, or the --

Q No, all?

A I couldn't tell you.

Q You just don't have any idea what that answer would be?

A No, sir.

Q Do you have any idea, realistically, what the answer would be as to what portion of the 21,000 out there now come from Lubbock County proper?

A No, sir. Not on the 21,000.

Q Do you have idea what portion of that 21,000 come from the two member legislative district that we are talking about here?

A No, sir, I don't.

Q The statement that you made about the affect of counselors on the dropout rate, is it your contention that the type of counseling that the Mexican-American child receives in the schools in Lubbock County actually contribute to his dropping out of school?

A Yes.

Q And how does it do that?

A Well, I feel like that very little encouragement is given. For example, in the whole West Texas Area, there are probably one or two counselors of Mexican descent, and both of those being in the Lubbock Public

Schools, and these two counselors are just of recent time. In other words, five years ago there was perhaps five school teachers of Mexican Descent in the Lubbock School System, and the population has not changed that much in the last five years.

Q How many applied five years ago?

A I couldn't tell you.

Q Do you know how difficult it is to get Mexican-American teachers or counselors in Lubbock?

A I understand -- I have heard it is somewhat difficult, because --

Q Do you believe that?

A Because of the attitudes, or the discrimination that existed here, and currently exists; some of the people from the Valley don't want to live up here and fight discrimination.

Q There is a lot of people in the Valley that don't want to live in Lubbock, period, isn't that right?

A Well, I would say if they felt they were welcome here, I think they would probably be willing to come to Lubbock. The salaries are more enticing here than they are in the Valley.

Q But you think that the -- first of all, you recognize that no matter how well motivated the Lubbock

School System might be toward getting Mexican-American Teachers or Counselors, that they would have a certain amount of difficulty in getting them for a variety of reasons.

A Not that much difficulty.

Q Well, then, why don't the people come?

A Perhaps they are not asked, I don't know.

Q And would that be an area in which you are just really without knowledge?

Do you know what the recruiting situation is among the Lubbock Public Schools?

A Yes, I have an idea. There is a Mexican-American in the Personnel Office.

Q And does that Mexican-American person make an effort to recruit Mexican-Americans, to your knowledge?

A To my knowledge, he goes up to the schools and sets up shop to recruit everybody, not only Mexican-Americans.

Q Well, is it your feeling that the kind of counseling given, say, by the Anglo Counselors, I am not talking about lack of encouragement, but I am talking about counseling where they would actually be telling people, "Oh, you couldn't make it in college, you better go be a welder --"

A Let me say this, not only --

Q -- or something?

A -- the counselors, but also the school teachers, you know? In other words, I am saying not only the actual counselor, but the school teacher in the classroom. Their attitudes and feelings towards the Mexican-Americans.

Q And what is your personal knowledge about that?

A What is my personal knowledge?

Q Yes, sir.

A I have talked to students tnat have told me: "My teacher said you can't make it in college, Johnny," referring to a Mexican-American using a fictitious name. "You need to get involved in vocational training. You are good with your hands. You are good in art."

Q In some instances, would that advice make sense to you?

A Not because -- to -- not to give a person that advice just because he is of Mexican descent. I don't think that makes any sense at all to me.

Q Well, I don't think anybody has asked you that question yet.

A Well, I am just telling you.

Q My question is do you think there are children,

Black, Brown, Anglo, Yellow, whatever, that might well be advised and be given good advice by a counselor who would say: "Look the world is full of college graduates, some of them aren't making as much money as people who don't have a college degree; you might ought to think of doing something that you do well such as things you do with your hands, or your art, and that kind of thing. You might be making a better choice," you know, whatever your color is, do something other than college.

Can you conceive a situation where that would be good, sound advice?

A Yes, I can.

Q Do you know, of the children that you have talked to, do you believe that the advice given them was bad advice?

A Yes, I do.

Q Why do you believe that?

A To give you some specific examples --

Q Please do.

A -- some of these that I am referring to are now going to college and making passing grades.

Q Well, does that end the argument, as far as you are concerned?

A As far as I am concerned, this child, had somebody

else not cared, would not have gone to college, consequently not the -- not have the earning power, irregardless of what you might say about the trades, it is proven through census, and everything else, government figures say that college graduates make more money, and this particular person will make more money because this particular person is in college and can make it.

Q Who was this particular person you are talking about?

A There is so many I can't tell you one.

Q You can't think of one?

A No, because I don't have that right here in front of me.

Q There is not one name that occurs to you right now?

A How is that?

Q There is not one name that occurs to you right now?

A No, because I have all kinds of people --

MR. KORBEL: I would like to --

THE WITNESS: Lets go off the record.

MR. KORBEL: No, we can't.

THE WITNESS: Off the record?

COURT REPORTER: Are we on or off the record?

MR. YORK: I want it on the record.

THE WITNESS: I would like to go off the record.

MR. KORBEL: Lets go off the record for a second.

THE WITNESS: I can give him a whole bunch of names, if that is what he is interested in.

COURT REPORTER: I can't go off the record unless you both agree, I don't think.

MR. YORK: That is what I thought.

COURT REPORTER: So we are on the record.

MR. KORBEL: Can we go off the record.

MR. YORK: Okay, lets go off the record.

[Off the record discussion.)

MR. YORK: Back on the record.

A Back on the record. I can give you a specific name right now.

Q (By Mr. York:) All right.

A This young man was a drop out of the Lubbock Public Schools. He was told that could not make it in college, there was no way he could qualify. He quit

college -- I mean quit the Lubbock High School.

He later was drafted into the service, went into the service, came back out, and finished the Texas Tech Program in two and a half years. Now, he has a Master'd Degree and is currently a PHD Candidate, and this guy is Raymond Morales, and he can be contacted. I can give you his phone number, if you want it.

Q Okay. We can probably find him up at Amherst.

A If you want to get specific about one guy.

Q All right. And is that as specific as you can be; on that one guy?

A On that one particular one, yes. Right-off.

Now, if you want more, I can get you more.

Q All right. He completed college after having been off in the service for several years?

Did he begin college after having been off in college for several years?

A Yes. Of course, he came back and was married and working full time, and he finished the program, I believe, in two and a half years, Dean's Honor Roll.

This was a person that couldn't make it, that was told he couldn't make it.

Q And did he drop out of high school?

A Yes. I would say he was forced out.

Q You would say he was forced out?

A Yes.

Q By whom?

A By the system, the school system telling him he couldn't make it.

Q Couldn't make it in high school?

A Yeah. You are not -- you know, you are not -- you can't make it. I mean you don't understand.

Q Your feeling is that the school system, or some part of it, told him he couldn't make it in high school?

A I think it started in the first grade, because he didn't speak any English when he went to the first grade.

Q Well, who told him in the first grade that he couldn't make it?

A Well, it is very obvious, if he was speaking Spanish and the teacher was speaking English, he was given a negative self-image right off the bat, and at that time they didn't have any bilingual teachers.

Q Well, what were his high school grades like?

A I don't know. I am sure we could find them.

Q Do you know why he dropped out other than supposition that people told him something bad at the high school?

A I think he was behind. In other words, he had failed at the elementary level. Of course, he was older than the normal child, I think.

Q Then he dropped out of school, and like many Anglos, Browns, Blacks, he went off to the service and got his high school certificate through a service connected program, and got married -- he didn't get it through the --

A No, he never finished high school.

Q Oh, I see. He didn't get a --

A To my knowledge he still doesn't have a high school degree, but he is going to have a PHD.

Q But that --

A In education, by the way.

Q But they let him in out here at Tech without a high school degree?

A I think that the test out there, that they give everybody, I think he scored high enough on it to get in.

Q All right. But he went off, went through the service, got married, and came back and is completing college?

A Uh huh.

Q Now, that is a story you hear about Blacks, Browns, and Yellows, and everybody else, isn't it? The

guy that had a hard time in high school and went off and got straightened up in the service and came back and got married and settled down and went on and completed his work.

A I haven't heard any.

Q You never heard of that before?

A You know, I have heard of this one. I don't ...

Q Okay. On the Texas Tech letter that you mentioned --

A Uh huh?

Q -- the letter relating to speaking Spanish by employees was apparently retracted without any great difficulty when you raised the problem with the administrative people out there?

A That's right.

Q There wasn't any problem about doing it, they just said they would do it when you pointed it out to them?

A That's right. My contention is that I shouldn't have to go around pointing these things out. They should know better.

Q Well, you would hope that everybody in every big organization like Texas Tech would have the same level of motivation and concern about every problem that

the President would, but you know in a big organization, whether it be an Anglo, or Black, or Brown, or whatever, it doesn't work that way, does it?

A No.

Q I would be surprised if there weren't people within the LULAC Organization that don't do things exactly like you would want the organization to do things.

A That is probably right.

Q But when that is pointed out to you, it would get fixed, and you would be glad somebody pointed it out, I suppose?

A That's right.

Q Okay. What is the situation here as far as the schools are concerned in the sense of their segregation or integration, or whatever? Is there a free transfer between the schools, if a kid that is one of the incidences that you have described, is in a pretty much predominantly Black or Brown School, if he wanted to transfer, living in the same community he is in, but if he wanted to transfer to a school that you have characterized as principally Anglo, can he do that under the rules that they operate under?

A I believe they have a provision for that, where you apply for a transfer.

Q Okay. Are you aware of any recent problems in that, that is, where a particular child would seek to make a transfer like that and somehow be blocked at the schoolhouse door and prevented from doing that?

A No. I am not aware of that.

Q All right. Well, is it, then, that it is more or less the housing pattern and the location of the schools, is that really what contributes to the fact that the schools wind up being predominantly one way or the other, or not mixed up as well as you, for instance, might think they should be?

A That is probably true.

Q You talked a little bit about the housing situation in terms of believing, apparently, that there still is some kind of -- sort of almost under the table sort of discrimination against Browns in housing, right?

A (Witness nodding head affirmatively.)

Q You have to say "yes" or "no" --

A Yes.

Q -- so he can write it down.

A I am sorry.

Q It is kind of hard to remember that sometimes. We lawyers sit here and get accustomed to it, and you don't do this every day like we do, and I understand that.

A Right.

Q If I understood what you described awhile ago, it was a situation where there would be a vacancy in what is now perhaps a Brown Area, or Black and Brown Area, or whatever, and if a realtor, a real estate man, had an opportunity to show a house to an Anglo, he wouldn't take him out to that area, he would take him to what you think of as the Anglo Area?

A That is correct.

Q And the converse would be true, if a Brown comes up, or a Mexican-American comes up, he would probably wind up taking him to the Mexican-American Area as opposed to taking him to some Anglo Area?

A That is correct.

Q All right. Now, are you aware of any other form that discrimination in housing takes in Lubbock now?

A I would say no.

Q All right.

MR. KORBEL: Can we go off the record just a second? I don't think he understood the question.

MR. YORK: Well, I don't want to go off the

record and make him understand the question. If you want to straighten him up, why go ahead.

MR. KORBEL: Okay. Are you including when the realtor shows a house both for the purposes of sale and for the purposes of rental, or are you distinguishing between sale and rental?

MR. YORK: It covered both.

MR. KORBEL: Okay.

Q (By Mr. York:) If your answer would be -- if that distinction makes any difference to you, please explain it.

A Well, what I would like to say, of course, you lawyers have a good way with words, and I feel like there is discrimination, and if I said there wasn't in that last answer, well, I retract it.

Q No. You didn't.

A I would ask you, or the State, or anybody, to call any realtor at random, and go out and tell him you are interested in a house in that area and see what they say to you. I would challenge you, or anybody else.

Q Okay. But as I -- I don't think you did answer the question awhile ago to the effect you thought there was not discrimination --

A Okay.

Q -- I understood you to say that you thought there was.

A Okay.

MR. KORBEL: I am concerned as to what other types -- besides sales and rentals, what other types of real estate discrimination would there be?

THE WITNESS: There is other types of real estate discrimination. In housing, for example, they built a multi-complex out here with government money primarily for Blacks and for Browns.

In other words, we -- the -- and the way you do that is you build it out in the area where Blacks and Browns live, and you put in a 300 unit apartment complex out there for low housing -- for low rent housing, rather than put it in Southwest Lubbock.

I challenge anybody to try to put one of those complexes out there, and see if you can get it put in.

MR. KORBEL: All right.

Q (By Mr. York:) Do you really contend that that is -- that is Federal action, or is it?

A No, it is local.

Q That is purely a local deal?

A Sure, it is local. It's zoning.

Q Does it have Federal money in it?

A Yes, it has Federal money in it.

Q Does that have to have some approval out of some United States Government Agency in order to get that done?

A Yes. I believe that is true.

Q And it is your feeling that the United States Government is participating in that?

A I didn't say participating. Perhaps they are condoning it.

Q Uh huh.

A Or allowing it.

Q Well, is the purpose of that to provide housing for Blacks and Browns, or is it the purpose of that to provide housing for the poor?

A I believe, in their papers, they must say for the poor, and they must say that it will be open to everybody, but it is where the Blacks predominantly live, and you are not going to get any Anglos to move into

those complexes.

Q Who are the predominantly poor in Lubbock County? The Blacks and Browns?

A The Blacks and Browns, I would say.

Q And wherever you put that housing, wouldn't you expect the predominantly poor to make use of it?

A Yes, if that was for the poor.

What I am saying is that you couldn't put that housing out in Southwest Lubbock. The local government and the local structure would not allow you to do it.

Q Well, that would be the purpose for putting it in Southwest Lubbock?

A To integrate the schools, for one thing.

Q Would there be any purpose other than that?

A And to have access to some of the shopping facilities - or better access, I should say.

Q Is access poor in the places where these complexes have been built?

A I would say yes.

Q In what respect?

A Transportation. Some of the poor don't own cars so they have to rely on the bus transportation, and that costs more money. And some of the sales that take place, you know, where you could save, bargains, and stuff like

that, are predominantly in the Southwest Area of Lubbock.

Q Well, where -- I mean, can you think of one specific housing unit? Does it have a name?

A I don't know if it has a name, but --

Q Or a street number?

A Yeah, it is on East 4th Street, I think the mayor of the city as the one that put it in.

Q Okay. How big is it?

A 200 units plus? I really don't know.

Q And where would you think would be a better spot to put that?

A I would say across the street from the South Plains Mall.

Q Okay. What is across the street from the South Plains Mall?

A A vacant area.

Q Okay. How is that zoned?

A Part of it is commercial and part is residential and apartments.

Q How much space is there over there?

A There is plenty of space for that complex.

Q What efforts did you make at the time that was happening to see that it got placed over there?

A I didn't make any effort.

Q Why not?

A Because I couldn't get anywhere. I knew I couldn't get anywhere.

Q Well, how did you know that? Without having tried?

A Well, I would imagine that by the time this thing gets built, it is already done. You see, there is no common knowledge of this thing until they start building it, and when they start building it, it is too late.

Q Well, don't they have to have a lot of programs submitted to the Federal People who are going to approve the monies, and so on, before they do all that?

A I couldn't tell you. I have never built a complex.

MR. KORBEL: Counsel, maybe we can stipulate that the same procedures were followed in the Blancher Housing Project in Austin, and the same type of discrimination I think he is talking about, or that he is referring to, were probably found existent in the Blancher Housing Project. I think we can also stipulate, if you want to, that any of the new regulations that HUD has came out with referring to the old policies of location, of

allowing location, can be put into the record. I would be glad to do that, if you want to. But it seems to me we are just getting repetitive here. He says: "Yes, there is property on that side of town that is available. Yes, it could have been put there."

I don't know where we are going. I am objecting --

THE WITNESS: Off the record. Maybe you ought to ask Mo Turner if he could put it over there.

MR. KORBEL: He can't go off the record.

THE WITNESS: You know, he is the guy that put it in.

MR. KORBEL: We can't go off the record.

You see, we are getting repetitive and I don't know where we are going, and I am objecting on the grounds that --

MR. YORK: Well, if you are objecting on the grounds that you don't know where we are going ...

MR. KORBEL: I am objecting on the grounds I want to go home. I want to go home.

MR. YORK: I second that motion, but I don't think it is a competent objection.

MR. KORBEL: I think, if you want some official objection, that we are being -- we are duplicating the testimony. He has answered the question several times. I think it is irrelevant and immaterial, and I think that it has been answered.

MR. YORK: Okay.

Q (By Mr. York:) Now, do you know of any efforts made by any individual Brown, or any groups, such as LULAC, or any effort on the part of any Black, individually, or Black Groups, to influence the placement of these housing developments that you have talked about?

A No, I don't.

Q All right. What form does the social discrimination that you have talked about here, take, other than the fact that there aren't many Browns or Blacks in the Rotary Club or the Kiwanis Club, the JayCees and the Lions Club?

A Well, feeling is a very hard thing to describe, and for you to feel what I feel, you have to be Brown. You have to live Brown.

And to give you an example of social discrimination; in this fair city, my son was all excited about going to

Indian Tribe one time, and I went with him, and I took him, and we --

MR. KORBEL: Just a minute.

A This was a part of a YMCA Program.

Q Go ahead. Do you want some coffee?

A And it was sponsored by -- no, I will take water.

Sponsored by Lubbock United Fund, which we all contribute to, and in this group that we were assigned to participate with were ten to twelve Anglos, my son and I.

The meeting was very informative.

After the meeting, the groups broke into smaller groups, and that is the group that I make reference to, that involved perhaps ten or fourteen fathers and their sons.

I invited the group to meet at our home, at the coming meeting, because we were to divide into groups and form tribes.

No one accepted the invitation.

And after about two minutes of silence, some other person came forward and invited the group to their house. Immediately everybody responded and said: "Yes, we will be

"there."

So, even though, after that incident I probably would not go to these people's houses, I felt like that they were offensive to my son and I; consequently we did not join that organization, and I would venture to say that there is probably not that many Mexican-Americans in this type of program.

Q Well, let me -- and I don't mean to dwell unnecessarily on something that is obviously a personal subject to you, and something that you have got a lot of concern about, but No. 1, would you concede that it might be possible that this group would have reasons other than prejudice against Mexican-Americans for not going to your house?

Is that a possibility?

A I would say no.

Q You can't think of any set of circumstances which might make them not want to come to your house other than the fact they didn't like you because your skin was brown?

A In that particular instance.

Q Were these all Anglos?

A Yes.

Q And to follow it a little bit further, you -- I

take it there wasn't anything bad said to you then, you just said: "Hey, Gang, come over to my house," and they just all sat there; and somebody else said: "Well, maybe you better come over to my house," and that is what they did?

A This is the reason that I was painting the picture for you.

Q Right.

A There was about two minutes of silence.

Q Right.

A And that would tell me -- that told me that: "We don't want to meet at a Mexican's house."

Q Well, nobody said that, though?

A No.

Q And your reaction to that was to drop out of this group?

A That's right.

Q For you and your son?

A That's right. I did not want my son further embarrassed by this group.

Q But, is there a possibility in your mind -- did you know any of these people before that, the Anglos involved?

A Perhaps by name.

Q You hadn't really gotten acquainted with them, though?

A At that meeting. Yes, just at that meeting.

Q Do you think it is a possibility that had you sort of said: "Okay, fine, we will go to the other fellow's house this time, and maybe next time, or the time after, we will invite them back to my house." Suppose you had done that, and got to know them better and they got to know you better, do you think it is a possibility that the next time you said that, they might have said: "Sure, Froy, we would like to come over to your house?"

A I couldn't say.

Q Okay. What other forms, if any, can you describe this social discrimination that you say still exists in Lubbock County?

A Well, for example, the Country Clubs in town, you have to have a sponsor to get into one of them, and I happen to know of one Mexican-American -- I retract that. This person is a Mexican Citizen, and he is married to an Anglo woman, and he is well liked by many people in the community. This person had fear that he would not be accepted in the Lubbock Club, so, consequently what he did, he picked out some Anglos that he felt would not turn him down, and asked these Anglos to support him

and make sure that he got in, because he did not want to be embarrassed, and he talked to these people, they were influential people, and they got him in. He is a member of the Lubbock Club.

As far as I know, he is the only Mexican, or person of Mexican descent, that belongs to any Country Club.

And up until recently the Hill Crest Country Club, for example, would not allow Mexican -- people of Mexican descent, into their club.

Q But has that changed?

A I believe it has, through the efforts of perhaps some Anglos with a little more open mind.

Q I guess --

A There is one -- that I know of, there is one Mexican-American in the Hill Crest Country Club.

Q Do you know of any that have applied and been turned down?

A I believe that they probably would not apply, for example, would not apply for fear of getting turned down.

Q Do you know of any that have applied and have been turned down?

A I couldn't tell you, no.

Q All right. And would that be true of all the Country Clubs in town? I don't know how many there are, but as far as you are concerned, do you know of anybody, any Mexican-American, that has applied to any Country Club and been turned down?

A I know of none.

Q All right. I am sure you wouldn't be surprised to know that there would be a large number of Anglos that have applied and have been turned down?

A I couldn't tell you that.

Q It wouldn't surprise you, though, would it?

A I couldn't say, because I don't know.

Q But you wouldn't figure that they would just let everybody with a white face into the Lubbock Club, for instance?

A I believe they would if he had money.

Q Do you really?

A Yes, I do.

Q Well, I don't.

A Money is status.

Q Yeah, status. If it is like any Country Club I ever saw, it had something to do with both of them, whatever color you were. There is plenty of them I can't get into because of problems on both accounts.

MR. KORBEL: Of the three, which one are you talking about?

MS. LEVATINO: Yeah.

Q (By Mr. York:) What about the public facilities such as -- we are talking about housing, in terms of rentals, if a Mexican-American just struck out on his own and wanted to rent any place in town, and he had the money to rent, and he just walked up "cash on the barrelhead," could he rent it to live in?

A Not necessarily.

Q Where could he not rent?

A There has been a specific instance right close to the Campus --

Q Okay.

A -- of an individual that refused to rent to this young lady that was working on her Master's Degree at Texas Tech, and that came to my attention by this young lady, and she is no longer here. But she was refused to -- and she was told that she could not rent the place because she was a Mexican.

Q Was that -- are you in a position where you would get complaints like that, where like Mexican-American people here would probably come to you if they had a complaint

like that?

A I don't get all the complaints, but I get my share of them.

Q All right. How many others have you gotten in the last year, say?

A Just to give you an idea, what happens is when you step forward and you say: "I care what happens to people;" I got three calls last week on one type of complaint or another; and this week, so far, I haven't gotten any, but I do get my share of complaints.

Q On the question of housing, where a Mexican-American has gone some place, and he or she had the money to rent the place, and was turned down, how many complaints have you gotten recently?

A Complaints, none.

Q All right.

A Besides that one girl I mentioned.

Q The one you mentioned.

A Yes.

Q What about the public facilities such as theaters and restaurants, and that kind of thing?

A I got a complaint two weeks ago, one of the local clubs; two Mexican-Americans were turned down. Freeman's Club.

Q Which club was that?

A Freeman's Club.

Q I am not familiar with Lubbock, so I would ask you what sort of place is that?

A That is a public club where you go in and buy beer and sit down and drink it.

Q Okay. What other complaints besides that one?

A Recently, none.

Q All right. What -- your job, now, you are in the life insurance business?

A That's right.

Q Have you recently run for political office in Lubbock?

A I ran for the School Board in 1972, April.

Q And I take it you didn't win?

A No, I didn't win.

Q Now, is that election carried out within the City Limits of Lubbock?

A That's right.

Q Is that the way that works?

A Yeah. At large.

Q All right. How many members do they have on that?

A On the School Board?

Q Yes.
A There are seven School Board Members.
Q Did you run against a Black, Brown, Anglo?
A I ran against three Anglos.
Q Was any of them an incumbent?
A No.
Q Was there a run-off?
A No run-off in School Board Elections in Lubbock. The highest number of votes wins.

MR. KORBEL: It is a plurality system in School Boards.

MR. YORK: I see.

Q (By Mr. York:) How did it break down in terms of voter turn-out?
A What do you mean?
Q Well, I mean --
A You mean how many votes were cast? Approximately 8,000, better than 8,000.
Q Did you finish second, third, fourth?
A I finished second, approximately 250 votes behind.
Q You finished within 250 votes of the winner?

A That's right.

MR. KORBEL: In a three way race?

THE WITNESS: Four. Four.

MR. KORBEL: Four, yeah.

Q (By Mr. York:) Did the other three have names which were clearly what we would think of as Anglo Surnames?
A Yes, they did.
Q So there was no mistake about the fact that you were the only Mexican-American in the race?
A That's right. In that particular race. There was another Mexican-American running for another place.
Q Okay. How far behind you were the other two Anglos?
A I really don't know. It seems like they were way behind.
Q All right. Who won the race, what was the fellow's name?
A Garnett Reeves, Jr.
Q And in the other, was there only one other Mexican-American in the race, in the School Board race, in other words, generally?

A Yes. He was running for another place.

Q And was he running against an incumbent?

A Yes, he was.

Q And how did he come out?

A He lost.

Q By what kind of a margin?

A He got beat considerably worse than I did, but he got approximately the same number of votes that I did, which would reflect that a lot of people that voted for him voted for me.

Q It would sound like you must have gotten a fair number of some kind of votes other than Brown votes to do as well as you did?

A Not necessarily.

Q Well ...

A In the Anglo Boxes, primarily Anglo Boxes, I got beat real bad.

In the Mexican-American boxes, the reverse happened.

Q Well, you had some Anglo support, I suppose?

A Yes, I did.

Q It wasn't a totally polarized thing?

A No, not completely, I wouldn't say.

Q If you had 8,000 people voting, out of that 8,000, how many were Mexican-American votes?

A Probably three thousand, or close to three thousand.

Q And is that -- would that be representative of the Mexican-American population in the City?

A What? The 3,000?

Q In other words, that is nearly -- what does that amount to? That is up around 40 per cent of the vote, or something?

A I believe it is better than forty.

MR. KORBEL: Of the turn out for that election.

A Of the turn out for that election, yeah.

Q Now, are there, among registered voters in the City, is it 40 per cent Mexican-American?

A No, it is not.

Q Was there a particularly big Mexican-American turn out in that election?

A I would say that the Mexican-American turn out was five to one, if you want to use ratios, between the Anglo vote and the Chicano vote. The Mexican-American voted five to one to each Anglo.

Q Then they really came out?

A Per registered, yes, sir.

Q And what was the reason for that?

Is that unusual in elections in Lubbock, or in Lubbock County?

A What do you mean, it was unusual?

Q Well, do you ordinarily vote Mexican-Americans five to one over Anglos --

A No.

Q -- in Lubbock County?

A No, not in this particular case. The Chicanos outvoted the Anglos five to one, and yet we lost.

Q Okay.

A For the simple reason the numbers aren't there.

Q All right.

A At large, voting at large.

MR. KORBEL: We haven't got enough people to vote five to one, that would be 15,000 against 3,000.

THE WITNESS: Now, I am talking about per registered voters. In other words, there are so many registered voters that are Spanish Surnamed, and then there is so many registered voters that are Anglo Surnamed.

MR. KORBEL: You had a big turn out.

THE WITNESS: That would be an estimate.

MR. KORBEL: You had a big turn out?

THE WITNESS: Yes.

Q (By Mr. York:) Were you involved in any work of any kind besides LULAC and besides your life insurance business now -- are you involved with the administration of any Federal Programs in this area?

A Not administration, I am on the Board of Directors of several programs.

Q Which are what?

A LEARN, Inc., which has the Educational Talent Search Program, and E.S.A. Programs, Educational -- both are educational programs. I am also involved in the Manpower Program, Chairman of the Board.

Q Well, is there one of those -- I don't know, I would have to look at my stuff, but without getting that out, is there one of those that there have been some controversy about the insurance sales to the members of that group, or anything?

MR. KORBEL: I object to this line of questioning. There have been some unsubstantiated

charges, I understand, but certainly I just don't see where this is going to lead us any place.

I think we can stipulate for the record that there have been some unsubstantiated charges against Mr. Salinas, but I don't see why this is a proper impeachment, or I don't see where, as I say, it leads us anyplace.

MR. YORK: Well --

MR. KORBEL: It is irrelevant and immaterial. What is the purpose of this line of questions, Counsel?

MR. YORK: I don't have to tell you what the purpose of a line of questioning is unless you are going to put on a robe and-

MR. KORBEL: I am making an objection at this point.

MR. YORK: Well, you are entitled to make your objection.

Q (By Mr. York:) The point of it is, now, we have talked about your election, and as Counsel has suggested, apparently there has been some kind of a controversy, I don't really have enough information to know what it is all about, but I would like to know when

that controversy began.

In other words, did it have its beginning at a time which had some bearing on your election, so that it was going on at or about the time your election was coming up, or before that, or after that?

A I would like to clarify your word "Controversy."

Q Well, that is just the word that I have used, and if you can think of a better word to describe it, go ahead.

A There has been one letter written of allegations by one person, and I say "allegations," and this has been done within the last month.

Now, we have, as Board of Directors, been attacked by this one letter, and I happen to be the Chairman of the Board.

There is no truth to these allegations.

The Department will find, when they investigate, that all these allegations are false.

Q I understand what the contention made in that letter was, something to the effect that insurance policies sold to members of the group somehow, were sold on an individual basis and not on a group basis, and that has cost people more money, or something to that effect.

Is that part of what the allegations are?

A That is part of the misallegations.

Q I understand you don't agree that it is true, and I have no way of knowing whether it is or not, I am just asking you about it to relate it to this election process we are talking about.

A The letter did not reflect that at all.

That -- what you are saying was picked up off of a TV Station broadcast.

Q The letter didn't make any statement about that end of it?

A No, sir.

Q It made no statement about your selling insurance on an individual basis to people instead of on a group basis?

A It made statements --

MR. KORBEL: I am objecting to this entire line of questioning, it is irrelevant and immaterial, and I don't see how -- if this is for the purpose of impeachment, I don't see it is relevant, and I object.

MR. YORK: Okay.

MR. KORBEL: And if you are basing some -- strike that.

Q (By Mr. York:) What was the actual date of the election in '72? Would that have been in May?

A April 2nd, first Saturday in April.

Q First Saturday in April of '72?

A April 1st. Pardon me, April 1st.

Q Okay. Had any of this controversy, or allegation, or mis-allegation, whatever you want to call it, had any of that come to light before the election in April of '72?

A No.

Q Okay. That is what I was -- the point I wanted to get to was whether or not any of that might have affected the outcome of that election, and to your knowledge, none of that was public knowledge or was not being banded about publicly prior to the election?

A No.

Q All right. When you ran for the School Board, how were you selected?

Did you just decide you wanted to run, or did you get picked by some slate-making group, or how did you get to run?

A I was asked by a group of friends to run.

Q I take it it was just an informal kind of thing?

A Informal, yes.

Salinas - by Mr. York

Q They didn't meet in some smoke filled room - like this one is getting to be -- and say: "We have picked you to be our man," and that kind of thing?

A No.

Q Okay. To your knowledge, were any of the candidates selected that way, Anglos?

A Not that I know of. I couldn't say.

Q It sounds to me like it was kind of a free-for-all, like in the race you ran there were three Anglos?

A And the irony of that election was that I was the most qualified candidate, and I lost.

Q Did you know that there is not a single candidate that has ever lost that would not make that same statement?

A That is your opinion.

Q I have never heard one that lost - and I am joking with you a little bit, but everybody that has ever lost -- I know our Attorney General thinks he was best qualified to be Governor in 1968, but the voters thought otherwise.

A The problem is the voters don't know everything.

Q That is true exactly.

Do you know the fellows that are in your delegation here now, your two member district?

A Yes, I do.

Salinas - by Mr. York

Q And what are their names, just for the record?

A R. B. McAlister and Elmer Tarbox. I know Mr. McAlister a little better than I know Tarbox.

Q Are they both guys that, like I say, have you talked to them in their offices here?

A I have never talked to Mr. Tarbox in his office.

Q Have you talked to Mr. McAlister?

A Yes, I have.

Q Do you find them to be responsive to you? I mean if you call them up with a problem, can you get to them, or get on the phone with them and describe what the problem is?

A Mr. McAlister, like I say, I have talked with him in his office, and I feel like perhaps he is responsive.

Q What about this last session down in Austin with the legislature, of course, there were a variety of issues which were being debated by the legislature which I know concerned the Mexican-American Community; how did those two guys respond to those issues, as far as you are concerned?

A I haven't checked them specifically. I believe Mr. McAlister, at least, voted for some of the bilingual education, adult education, and things that are problems

and issues that concern all the people, not only the Mexican-Americans.

But there is a difference in going along with and actually introducing the issue and promoting the issue, for example.

Q I would agree with that.

A You know, it is real popular to say: "I am for bilingual education, I have some Mexicans out there in my district, I better go along with that, but I am not going to fight too much for it because my Anglo Constituents might not like it."

Q But from what you have said, you apparently don't have any quarrel with the degree to which these two guys fought for bilingual education?

A In my opinion they didn't fight for it at all. They just went along with the tide.

Q Do you know that? Do you know what they were saying on the Floor of the House and in Committee, and everything?

A I couldn't say that I know that. I would imagine if anybody fought for it it would be Mr. McAlister.

Q Okay. So what you would say about whether they fought for it, or not, is more based on a kind of a feeling generally about what kind of guy they are, and that

kind of thing, as opposed to knowing what they did down in Austin?

A That's right. I don't know the record, certainly.

Q Okay. How long have they been in office?

Pardon me for not knowing that, but have they all been in for a long time, or ...

A I believe Mr. Tarbox has been there for quite some time. Mr. McAlister, I believe, has only been there about six years, or something like that, six to eight years, maybe less.

Mr. Tarbox, I understand, has been there longer, and it is common knowledge that he promised some people that he would not run any more, if no one would put any strong opposition up this past year so that he could get his retirement. That is common knowledge.

And certainly, I am in favor of the man getting his retirement pay after serving some time for us, but I feel like this is a poor way to keep maybe stronger or better candidates from running for that position.

Q But apparently nobody did run against him?

A Not any strong opposition, no, because of his commitment not to run this coming year.

Q Well, did McAlister campaign among the Mexican-

American Community?

A I believe he did through radio and mailings, and probably community visits, and stuff like that.

I don't think Mr. Tarbox did.

Q He probably didn't campaign much at all, it sounds like.

A Well, no, he had a Tech Student for opposition that was part Indian, you know.

Q Well, being from the University of Texas, I can understand how a Tech Student would get beat pretty easily. All right.

A I also admire the University of Texas.

Q They kind of had a hard time a couple of times this season, but they are getting better, maybe.

I have got just one last question -- are you ready to quit?

A No, Counselor.

Q I don't mean give up all your beliefs and everything, I just mean ready to quit this question and answer thing.

A I will give up when I die.

MR. YORK: Well, I believe that. And that is all the questions I have. Thank you.

FURTHER EXAMINATION

By Mr. Korbel:

Q I have got a couple of questions, just to straighten matters out.

First of all, we have had testimony, now, from depositions, and all, and also from your testimony, as to the small percentage of students, Mexican-American Students, from the Lubbock Independent School District who go on to college.

Is there any reason why a Mexican-American Student should be counseled not to go on to college?

Is there any reason why they don't go on to college?

A As I stated before, there is no reason for these people to be encouraged not to go to college --

Q Uh huh.

A -- I feel like it is an outright act of discrimination that these children, because they are Mexican, or of Mexican descent --

Q Uh huh.

A -- are encouraged to go to other things besides college, and by this I mean vocational training or shorter

term trade schools.

Q Uh huh. Referring once again to the book called "Managing Mexican American Employees", I am not sure if you understood the question. He was asking you is it possible to construct a title which would convey the same meaning without being, in your feeling, offensive?

A I would say that a title, if you wanted to identify it as a book relating to Mexican-Americans, it could be "Mexican-American Employee-Employer Relations."

Q Uh huh. As it is now, what does that title suggest to you?

A It suggests to me that Mexican-Americans are not good enough to be employers, but only employees, and could not be in management positions.

Q Uh huh. Now, there was some talk about this low rent housing, and housing for the poor; is there any reason why the poor would rather live in the minority areas and would not rather live in the more affluent areas in town?

Is there any reason why this housing should be put in the poor areas?

A Not any reason that I know of specifically.

Q I see.

A Perhaps the poor might feel more at home, but

that would be strictly an opinion.

Q. And had this Public housing been located in other areas of town, it would have, in your estimation, integrated the schools?

A. It would have certainly helped.

Q. And would it have helped a great deal in the patterns of residential segregation existing in this town?

A. Yes, it would.

Q. Now, there has been some talk about your race for School Board election, and I am sorry I didn't bring that out on direct examination, but in that election there were three, yourself, another Mexican-American, and a Black running for office, is that correct?

A. Yes, that is correct.

Q. And --

A. You are referring to the 1972 election?

Q. Yes, The 1972 election. Can you contrast the voter turn-out in that 1972 election with previous School Board elections?

A. Yes, I can. The 19 -- I would also like to refer to the 1970 election.

Q. All right.

A. At which time I was also a candidate for the

School board.

Q. All right.

A. The voter turnout in 1970 and '72 election was considerably higher than it had been in prior elections.

Q. Yeah.

A. For example, in 1968, the first Black ran for School Board.

Q. Uh-huh.

A. And he was pitted against two Anglos.

Q. Uh-huh.

A. The Black lost. The Anglo that won received 2,344 votes, if my recollection serves me, which is seven to eight hundred less votes than I received in either one of my elections, and he is presently the President of the School Board. And I lost both of my elections with 800 more votes.

Q. Would you say from your experience in running for office, and your experience in living in Lubbock, and in the area, that it was the fact that there were three minorities running for the School Board in the '70 election, and the minorities running in the '72 election; the minorities running for the School Board in the '70 election, which brought out the big turn out?

A. The higher turn out in the Anglo Community, yes

Q. I see.

A. And definitely the higher turn out in the minority community.

Q. I see.

A. I feel like some people came out to vote against rather than for.

They didn't study the issues, they came out to vote against the minorities --

Q. I see.

A. -- to keep us from getting representation on the School Board.

Q. That is your feeling?

A. That is precisely my feeling.

Q. Okay.

A. One thing that is interesting; in the 1972 election, I say without reservation I feel like I was the most qualified candidate for the School Board.

Q. Uh huh. Okay.

A. I had attended School Board Meetings for about five years prior to that --

Q. Uh huh.

A. --and we had a meeting that involved the classroom teachers association, and at that meeting, when we were addressing the issues, the school teachers at the

meeting --

Q. Uh huh.

A. -- reflected their liking, or their being pleased with my addressing of the issues by applause, and I received seven applauses, and none of the other School Board Candidates received any type of ovation.

Q. All right.

A. And this is on record.

Q. There was mentioned, and I think almost jokingly, the 1968 Gubernatorial Election in Texas.

A. I believe it was Preston Smith.

Q. And do you know who the ownere of the Clifton Theater and the Loral (Sic.) Theater was, that you testified refused admission to Mexican-Americans in the early '60's?

A. The Theaters were the Clifton and the Lindsey.

Q. Clifton and Lindsey, I am sorry.

A. Okay. Located in Lubbock, Texas, and Mr. Preston Smith was the owner of those theaters.

Q. And prior to his running for Governor, was he State Representative representing Lubbock County?

A. I believe he was Representative, and at one time

was Senator, State Senator.

Q. And was he State Representative at the time his theaters were prohibiting Mexican-Americans from attending them?

A. I would think so because he was there about twenty years.

Q. Do you suppose that a man that runs theaters that doesn't allow Mexican-Americans to attend could adequately represent Mexican-Americans?

A. Definitely no.

MR. YORK: He didn't get re-elected, did he?

THE WITNESS: Preston Smith? Many times.

MR. YORK: Oh, sometime in there. I don't remember when it was.

Q. (By Mr. Korbel) Now, there was some talk about the transfer policies, the free transfer policies among schools in the Lubbock Independent School District.

Does the school district provide free transportation for these students that do transfer?

A. No, they don't.

Q. Do the students have to provide their own transportation?

Salinas - by Mr. Korbel

A. The policy states that he does have to provide his own transportation.

More so, this policy, even though it exists, is not encouraged nor heavily publicized.

Q. I see. In any case, has it resulted in any substantial diminishing of the one-race schools we find in Lubbock County?

A. No, it has not.

Q. Okay. Now, there was some testimony that there is some -- at least some idea that it is difficult to obtain Mexican-American -- qualified Mexican-Americans as teachers.

Do you know if that is -- strike that.

If the Federal Courts have found that -- well, strike that.

I don't -- I guess I don't have any --

A. In reference to qualified Spanish-Americans?

MR. KORBEL: I don't have any further questions.

MR. YORK: Let me ask you just one other and see what your answer to it would be.

FURTHER EXAMINATION

By Mr. York:

Q. Suppose you had a situation in Lubbock County where, for one reason or another, the Black, Brown and Anglo population just got totally mixed up; in other words, so that they were equally distributed throughout the county. In any one census tract that you looked at you would find the same percentage of Mexican-Americans in that census tract that you would find in every other census tract within Lubbock County --

A. You mean throughout the county?

Q. Right

A. Every census tract?

Q. Right.

A. Every block?

Q. Right. Every block.

A. All right.

Q. Now, that would solve -- if you left your school boundaries the same way, then, presumably you would have your schools set up where there wouldn't be any difference in percentages of students, or student populations in those schools, presumably. Do you see what I mean?

Salinas - by Mr. York

A. The population of the schools would reflect the ethnic make-up, is that what you are saying?

Q. Right.

A. Probably so.

Q. All right. In that circumstance, there wouldn't be any logical reason to think about having a single member district would there, for -- as far as electing your legislators to go to Austin?

A. I don't think I understand your question. Would you please rephrase it?

Q. Well, do you see what I am asking you?

In other words, if you had -- if the county was totally homogeneous in the sense that Blacks Browns, Mexicans, everybody, were spread out evenly throughout the county, if you went to the single member system for electing your legislators to go to Austin, this wouldn't really affect the chances of the Blacks or Browns to get elected, would it?

MR. KORBEL: He is asking, I think, in the optimum society, with no racial discrimination, would it make a difference if you had single member districts or multi-member district, as far as the chances of a Mexican American being

Salinas - by Mr. York

elected.

Is that what you are asking?

MR. YORK: Yeah.

Q. MR. KORBEL: Okay, this is with the optimum society.

A. It probably wouldn't make a difference. But I would still prefer a single member district.

Q. Okay. Now, on the thing about the location of the poor housing, or housing for the poor, talking about that one you mentioned on East 4th--

A. 4th Street, I believe

Q. Where do the people from that area work?

Do they work close to the South Plains Mall Shopping Center, or do they work closer to East 4th Street?

A. I couldn't tell you exactly where they work, no.

Q. That would make a difference if you were thinking about where would be the best place to locate the place where they were going to live, you would want to think about relating it to where they worked, wouldn't you?

A. Possibly.

Q. Wouldn't you always want to do that?

Salinas - by Mr. York

A. Not necessarily.

Q. I mean you wouldn't want to just build it out somewhere in the far reaches of some white community just so it could be out there, and then have people wind up being ten miles from where they work instead of four blocks, would you?

A. I don't really know who lives in that thing for sure.

Q. All right.

A. Or where they work.

MR. YORK: Okay. I believe that is all we have. Thank you.

MR. KORBEL: We don't have anything further.

(Deposition Concluded.)

---oOo---

EXHIBIT 1, SALINAS DEPOSITION, LUBBOCK COUNTY, OMITTED BY AGREEMENT OF PARTIES, FORMERLY PAGE 2015

EXHIBIT 3, SALINAS DEPOSITION, LUBBOCK COUNTY, OMITTED BY AGREEMENT OF PARTIES, FORMERLY PAGE 2016

THE STATE OF TEXAS

COUNTY OF LAMB

I, BOBBY G. ROBERS, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the facts stated by me in the caption hereof are true, and that the said witness did make the above and foregoing answers in response to questions propounded as shown, and that I did, in shorthand, report said proceedings, and that the above and foregoing typewritten pages contain a full, true and correct transcription of my shorthand notes taken on said occasion.

WITNESS MY OFFICIAL HAND, this the 26th day of November, A. D. 1973.

_____

Certified Shorthand Reporter

---oOo---

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CURTIS GRAVES, ET AL, VS. BEN BARNES	NO. A-71-CA-142
DIANA REGESTER, ET AL, VS. BOB BULLOCK, ET AL,	NO. A-71-CA-143
JOHNNY MARRIOTT, ET AL. VS. PRESTON SMITH, ET AL.	NO. A-71-CA-144
VAN HENRY ARCHER, ET AL. VS. PRESTON SMITH, ET AL.	NO. A-71-CA-145
FRANK ESCALANTE, ET AL, VS. MARK WHITE, ET AL.	NO. A-73-CA-115
WANDA L. CHAPMAN, ET AL. VS. MARK W. WHITE, JR. ET AL.	NO. A-73-CA-155
JAMES GASKIN, ET AL, VS. MARK W. WHITE, ET AL.	NO. A-73-CA-146

ORAL DEPOSITION OF MADISON SOWDER
Taken November 21, 1973

A P P E A R A N C E S

FOR THE PLAINTIFFS: Hon. George Korbel
Mexican American Legal Defense and Education Fund
501 Petroleum Commerce Bldg.
201 North St. Mary's Street
San Antonio, Texas

FOR THE DEFENDANTS: THE ATTORNEY GENERAL OF TEXAS
Supreme Court Building
Austin, Texas
By Hon. Elizabeth B. Levatino
Hon. Larry York

---oOo---

- A G R E E M E N T -

THE PARTIES to the above entitled and numbered cause, through their respective attorneys of record appearing herein, waive notice, service and time; and agree that the deposition of MADISON SOWDER may be taken on behalf of the Defendants on the 21st day of November, A. D. 1973, before Bobby G. Rogers, Certified Shorthand Reporter in and for the State of Texas.

THE PARTIES FURTHER AGREE that all objections as to form and substance will be made by the Parties at the time of the taking of the deposition.

THE PARTIES FURTHER AGREE to waive reading of the deposition to, or by the witness, and the signing thereof by the witness, and agree that same may be returned into Court by the Reporter, or the attorneys of record, for filing in said Court, and be used on the trial of these causes with the same force and effect as though the witness had read and signed the same.

---oOo---

Thereupon,

MADISON SOWDER

was called as a witness on behalf of the Defendants, and having been first duly sworn, testified as follows, to-wit:

EXAMINATION

BY Mr. York:

Q. Will you give us your name, please, sir?

A. Madison Sowder.

Q. And where do you live, Mr. Sowder?

A. At Idalou, in Lubbock County.

Q. And specifically, is that within the two member legislative district that has been discussed, or is that within the one member district?

A. It is within the one member district.

Q. All right. How long have you lived in Idalou?

A. Fifteen years this session.

Q. And how long have you lived in this general area, or in the Lubbock area?

A. I am a native of Lubbock County.

Q. All right. Are you a lawyer?

A. Yes, sir.

Q. And where did you go to law school?

A. Texas University.

Q. Have you practiced all of your practice, then, down here?

A. Yes, uh huh.

Q. And when did you begin practice in Lubbock County?

A. In 1955.

Q. And while you live in Idalou, your office is in downtown Lubbock?

A. Yes.

Q. All right. Have you continuously practiced law here since that time?

A. Yes.

Q. Have you been active in, and interested in politics in this area since that time?

A. Yes, I have.

Q. Have you ever held any elective public office?

A. I am a member of the Idalou School Board, and that is what I consider public office.

Q. Have you been active in the Democratic Political

Organization?

A. Yes, I have always participated in supporting candidates in some manner.

Q. Since 1955, for instance, have you regularly attended precinct conventions and had that kind of activity in the political process?

A. Yes, I have.

Q. And have you held office in the Democratic County Organization?

A. Yes, I was County Chairman for four years.

Q. And when was that?

A. 1968 to 1972.

Q. All right.

A. Or '69 to '73.

MR. KORBEL: '69 to '73?

THE WITNESS: Yes.

MR. KORBEL: Okay.

Q. (By Mr. York) And, for the record, since the Court may not see you in person, this deposimay be read, you are White, or you are Anglo?

A. Yes.

Q. All right. During that four year term, or four

year period that you served as County Chairman, were you given any particular recognition by any minority groups in the county, either Blacks, or other minority groups?

A. Well, yeah, like anybody else who takes on a job like that, you get a lot of names, and I was fortunate enough to get a -- oh, a resolution or a commendation at the last Democratic -- as Democratic Chairman from the minority groups.

Q. What was that exactly? I know you might not necessarily want to put up billboards about it, but just for the record.

A. It was for being fair to the minority groups.

Q. All right. During your tenure as County Chairman, did you ever have any complaints from any minority groups, or any spokesman for them, or any individual in those groups, where they would come to you and say, "Hey, you are not treating us fair?"

A. Well, I don't believe I remember any complaints about me individually, but there were complaints about various election judges, and so forth.

Q. Were these along racial lines, or just typical complaints?

A. I would think some of them were along racial

lines, and some of them confusion in voting, and . . .

Q. All right. When did the two member -- if you know, when did the two member, multi-member district get created out here?

A. Well, the present multi-member district has been in existence during the term of the present Legislature. We had a multi-member district about ten years ago, for either two or four years.

Q. Was that the first time that there had been a multi-member district here?

A. About ten years ago is when it started.

Q. In other words, prior to that time, the population had not been great enough that you had one district that had more than one legislator in it?

A. I believe that's right.

Q. All right. And at the time the multi-member districts were created, or multi-member district was created, ten or twelve years ago, whenever it exactly was, I take it that you know that that was the same pattern that had been enacted throughout the rest of the State; in other words, when they got big enough to have more than one representative from a district, they simply added a member to that district and elected on a multi-member basis throughout the state.

Sowder - by Mr. York

A. Yes.

Q. All right. So that Lubbock County has not been in any way singled out for different treatment than the state has as a whole has?

A. That's right. Of course, in that regard the multi-member district has, at times, been limited to Lubbock County, and at times has included other counties.

Q. Right. As the population would increase?

A. Right.

Q. All right. To your knowledge, from your vantage point, are you personally aware at this time of any discrimination directed towards Blacks or Browns, or any other minority groups, in, for instance, public housing in the City of Lubbock or in the surrounding areas?

A. Well, that really wouldn't be in my knowledge.

Q. All right.

A. I would say this: I would think that with a population of nearly 200,000 in the county, it would be extremely unlikely that there hasn't been some discrimination. I think with that many people you are going to have discrimination somewhere, you know. I am not -- I don't believe I have ever been physically present, like the testimony has been given by Mr. Salinas, when somebody was actually telling somebody: "You can't live here because

Sowder - by Mr. York

"you are Mexican-American," so I don't have any personal knowledge of being present when it happened.

Q. In your position as County Chairman, were you ever presented with any complaints from any minority group, or any individual minority member, who would come up and say: "I want you to know that there is this discrimination in public housing and I want you to do something about it and I want you to know about it?"

A. I don't believe that has ever been -- was ever brought to my attention as County Chairman. I am sure we have talked about these things just individually at dinner.

Q. In the recent history of this county, are you aware, as a lawyer and as a member of the community, of any lawsuits that have been filed, or any disputes of that kind that have gotten into the courts as to access to housing by all members of the community?

A. I can't personally remember one on housing. I can remember lawsuits on the use of cemetary lots and some other things, but I can't, right offhand, remember one on housing.

Q. All right. What about -- in as far as your knowledge is concerned, what about the situation with public facilities such as restaurants and theaters and polls, and that kind of thing, presently in Lubbock County?

Sowder - by Mr. York

Are they open to everybody, as far as you know, or are they not?

A. Well, the places that I go are open, but there are lots of places that I don't go, so I am not very knowledgeable about a lot of places.

Q. Do you go to any places in your travels around Lubbock that are either restaurants, theaters, whatever it might be, where you don't see Blacks or Browns there as customers or patrons?

A. No, I don't believe I go anywhere that limits their service to Anglos, or any particular ethnic group.

Q. Okay. To your knowledge, is there any sort of slate-making process that goes on out here as far as the manner that people that are going to run for the State Legislature gets selected to run for the State Legislature? Is there some sort of a little clique, or group, somewhere that gets together and decides who is going to run, or is it kind of a free-for-all type of thing?

A. It is my opinion that that particular race is just a free-for-all. I think you can take any candidate and pretty well guess who is going to support them, but I think it is fairly free-for-all, as far as getting in the race.

Sowder - by Mr. York

Q. All right. As far as the way candidates run here, do they -- to your knowledge, have they made use of the media, for instance, of the TV in -- how many TV stations are there in Lubbock?

A. Three, now, I believe.

Q. And do you know the candidates that have run for those legislative posts use TV?

A. Most of them do.

Q. How many daily newspapers.

A. One.

Q. And are there other papers which --

A. There are weekly papers in the small towns, outside of Lubbock, but in the county.

Q. Okay. And what other means? Is radio used by candidates for these type of posts?

A. Yes.

Q. Do you have any familiarity, from your experience as County Chairman, of what the cost has been for a fellow to run for a seat in the Legislature from out here?

A. It varies a great deal. I have looked at the sworn expense accounts that have been filed in the County Clerk's Office in years past, and I think the expense runs from a modest fifteen hundred or two thousand dollars, up to rather extravagant campaigns that run ten or twelve or

fifteen thousand dollars.

Q. All right. Do you -- you may not know the answer to this, but let me ask you if you do. We were talking while ago about the race that Mr. Salinas ran for School Board here last year, and where he came within 250 votes of beating the Anglo who ultimately won.

Did you study that race enough to know whether or not there was evidence of substantial Anglo support for Mr. Salinas, or could you make a statement on that?

A. I didn't study the race as far as results to voting boxes, or anything like that, but I would say that as among attorneys elections are always talked, and --

MR. KORBEL: Excuse me, what?

THE WITNESS: Elections are always talked about and discussed.

MR. KORBEL: Yes, sir.

A. And I would think that Mr. Salinas got a pretty good amount of Anglo support, unless people were lying when they were discussing it.

Q. All right. So, in your opinion, it was not a totally polarized type of voting?

A. Well, not totally. I am sure that to some

extent it was, I know he was well spoken of by the people I heard discussing the race, and I don't happen to live in the Lubbock Independent School District, so I was not a participant in the election, but I discussed it.

Q. In other words, the discussions that you heard among, I suppose, predominantly Anglo lawyers, for instance, if we limit it to that group for awhile, were that many were well disposed towards Mr. Salinas candidacy and expressed intentions of voting for him?

A. Yes.

Q. All right. And in a broader group of Anglos, of friends, and that kind of thing, did you also find that to be true?

A. Yes, but the discussion outside of the lawyers was rather limited.

Q. All right, have you, yourself, supported, endorsed, or contributed to minority candidates in races such as this?

A. Yes, I have.

Q. Have you contributed to a Black candidate in that kind of race?

A. Well, not in the School Board race, but I have in the City of Lubbock, City Council race.

Q. Okay. Are you alone, as an Anglo doing that?

Sowder - by Mr. York

A. No.

Q. I mean are you the only Anglo in Lubbock County that did that?

A. No. My partner, and three or four people that we regularly eat lunch with, all contributed.

Q. All right. As far as the mechanics of drawing a line, or trying to divide this two mem-district into two separate single member districts, do you have an opinion as to the ease, or difficulty, as a practical matter, of doing that?

A. Yes. I believe that in City of Lubbock elections, as opposed to legislative posts, that single member districts can and should be drawn.

I believe in the Lubbock Independent School District, single member districts could and should be drawn.

In our present situation here, we have three representatives from Lubbock and Hale Counties. We either have to put a part of Lubbock County with Hale County to get two representatives out of the remainder of Lubbock County, or we have to put the two counties together to get three single districts.

And having lived here all of my 46 years of my life, except when I was in service and in school, and watching

Sowder - by Mr. York

the population growth, and the shifts in the ethnic groups in where they live, and so forth, I think it would be extremely hard to draw a single mem-district that would place the Browns, or the Browns and the Blacks in a district that would give them sufficient voting strength to elect someone.

When Mr. Salinas mentioned Arnett-Benson, which was, as he says, exclusively White years back, it is no longer that way.

The predominant Black population in Lubbock is still in Souteast and East Lubbock, and while there has been a White flight, there is still a lot of Anglos that live particularly in Northeast Lubbock.

And I would state frankly that I am in sympathy with their position here, but the mechanics of being able to do it is what looks to me to be very difficult.

Q. All right. Do you know what, say in the last ten years, we will limit it to that what the numbers have been of Mexican-Americans who have actually run for elective office in this county?

A. Of Mexican-Americans?

Q. Right.

A. Well, we have one Constable in a Justice of Peace Precinct here and he is in his second term of four

years.

We had a Mexican-American run for County Commissioner in Precinct 3.

Q. When was that, roughly?

A. That was five years ago that he ran for County Commissioner.

And as Mr. Salinas said, two Mexican-Americans ran for the School Board in Lubbock Independent School District.

I believe a Mexican-American has run for the City Council. I couldn't call his name right now, and I can't be sure, but I believe that is correct.

And we, in the rural areas -- I don't know about other rural areas, but we have had Mexican American candidates for the School Board, and we will have one this year, I am sure.

Q. And how many, then, are currently serving? You have a Constable, and what else.

A. I believe that is all that is currently serving.

Q. All right. Constable from what precinct, if you remember?

A. That would be Precinct 1, I belive, and I don't know whether it is Place 1 or Place 2.

Q. Is that precinct, if you know the answer to this,

how does it break down as far as ethnic breakdown?

A. I don't think that it would--well, I believe it would be predominantly Anglo.

Q. Okay. From your viewpoint, having been in Democratic Politics here for a long time, and having been County Chairman for a period of four years, is it your view that the Mexican-American Community is well organized politically, or is it as well organized, say, as you might think of it in Houston or Dallas, or San Antonio, or El Paso, or wherever else you might think of a Mexican Community being?

A. I am really not familiar enough with those other areas to make a comparison.

I think the Mexican-American Community here is a lot like many other communities here, the Anglo Communities, there are areas, like in Slaton where the Catholic Priest there is a good organizer, and he can get them organized.

The Father here has done a good job out in Shallowater.

There are other areas that you couldn't go out here and set off an atomic bomb and get them interested.

I don't see that they are any different from Anglos in that regard. You can organize some, and some you

can't. It all depends on the organizer and the people you are trying to reach, but, again, I am Anglo, and I have to see it from where I sit.

Q. Right.

A. And I may not be seeing it correct.

Q. How did the -- let's see, the one County Commissioner you mentioned who ran, I think five years ago, or the one Mexican-American that ran for County Commissioner, did he win or lose.

A. He lost.

Q. Was he running against a single Anglo or more than one?

A. I believe he ran against the incumbent Anglo Commissioner, and I believe, one other Anglo.

Q. Do you have any recollection about how that race broke down?

A. Well, the incumbent won it.

Q. How about the percentage of the votes?

A. And -- oh, excuse me, there was a Mexican-American from the Father's precinct there that ran for County Commissioner, also, a lady from the precinct that includes Shallowater.

MR. KORBEL: Just a minute. Are we talking

about, first of all, the 1968 election or County Commissioner's race?

THE WITNESS: One of them was in '68, and one was in '70.

MR. KORBEL: There were only two candidates in that race.

THE WITNESS: In the '68 race? Maybe there was just two, I was thinking there were three.

Q. (By Mr. York) And do you remember how that race came out in terms of percentage of the vote?

A. No.

Q. Where you had an Anglo incumbent versus a Mexican-American challenger?

A. Well, the one in '68, happened to be the precinct in which I lived, and I see that more as a race of the rural as opposed to a surburban vote. In that precinct it has been traditional that the Commissioner live at Idalou, and the incumbent does, and the Mexican-American challenger was from Lubbock, and the Mexican-Americans from Idalou, for example, campaigned in Lubbock for the Anglo incumbent.

Q. You actually had Mexican-Americans campaigning for the Anglo incumbent?

Sowder - by Mr. York

A. Yes, but to us that is a question of whether or not we, in that rural town of Idalou, are going to maintain our strength on the Commissioners Court, and we let that play, I think, a very large role in our attitude there.

Q. Would it be your opinion, then, that the race did not turn on racial issues?

A. Well, I would say a lot of votes were cast on a racial basis, but I would doubt that the election turned on the racial issue.

Q. All right. To your knowledge have Mexican American candidates, within your knowledge, ever been discouraged by the Democratic organization from running for any elective office in the county?

A. Not to my knowledge.

Q. And you have already told us that in a number of instances that you are aware of where a Mexican American has run, he has received substantial support from the Anglo Community.

A. Yes.

Q. Lets see, are you a member of any of the service groups that we have talked about, Rotary or Kiwanis or JayCees?

A. Lions Club.

Sowder - by Mr. York

Q. You are a member of a Lions Club?

A. Yes.

Q. Is there any policy that you are aware of within the Lions Club that says that Mexican-Americans or Blacks are unwelcome in your Lions Club.

A. No. Of course, I am not a member of any Lions Club in the City of Lubbock, but as far as I know, there is no club policy in that regard.

Q. Do you have Mexican-Americans in Idalou?

A. Yes.

Q. Are they, in any way, excluded from your Lions Club?

A. No.

Q. There is no policy stated to the effect that you don't want Mexican-Americans or Blacks?

Q. No. At the present time we don't have any members from either group, but we have had some to visit and they haven't joined. I don't believe we ever had a Black to visit our Lions Club.

Q. Okay. Can you think of a situation, even if you had a single member district, if you can imagine how that might be devised in this county, where realistically any candidate could successfully campaign without making use of the media such as TV and radio and the

newspapers?

A. I don't believe, as a practical matter, that a person could get elected to most offices -- if you are speaking specifically of the State Legislature, I don't believe you could get elected without resorting to those media.

MR. YORK. All right. I believe that is all we have.

EXAMINATION

By Mr. Korbel:

Q. Okay. I have just got a couple.

Now, you talked about several matters, first of all, it is my understanding that there is no organized slate of persons, is that right, in this county, for the State Legislature?

A. I don't believe there is for the State Legislature.

Q. Okay. Would you agree with the statement that Lubbock County has, at least in the past, had a reputation for discrimination against Mexican-Americans and Blacks throughout Texas?

A. I don't believe you could show me a county in Texas that hasn't discriminated against Browns and Blacks.

Q. But Lubbock County is no different than the other counties in Texas?

A. No, I wouldn't think so.

Q. Would you say that all these matters, all this discrimination, has evaporated today, or would there still be vestages of discrimination?

A. Oh, I think there would be pockets of discrimination. I am not -- you know, I can't -- not being a Brown or a Black, I can't pick them out like a member of those groups could --

Q. Uh huh

A. -- but I don't have any doubt that it exists.

Q. Well, you would agree, though, that there is still some remaining vestages of discrimination?

A. Yes, I would.

Q. All right. Would you agree that these remaining vestages of discrimination make it more difficult for Mexican-Americans to appeal to Anglo voters?

A. I don't think -- I think it would make it more difficult to appeal to small groups of Anglo voters.

Q. Uh huh

Sowder - By Mr. Korbel

A. I think we have changed enough that a good percentage of Anglo voters are fairly well reasonable about racial matters.

Q. Would it surprise you if I told you that a survey just completed in Lubbock County indicated that -- lets see, 23.8 per cent of the Anglos surveyed indicated a disfavor toward a Mexican-American candidate, the possibility of a Mexican-American candidate for the State Legislature?

Would that surprise you, that the percentage would be that high?

A. What percentage?

Q. 23.8

A. No, I think that is about what I would probably --

Q. So, roughly about 25 per cent of the Anglos you would say, are still affected by this --

A. Yeah. One out of four, I would think that would be about right.

Q. It could be higher than that, but it would be at least that?

A. Well, I think that is fair. That sounds like a good survey to me.

Q. Okay. Now, we talked about dividing it and campaigning. If you divided the county into two districts,

Sowder - by Mr. Korbel

probably -- or if you divided Lubbock County into two districts, do you suppose it would be possible to go door-to-door almost to campaign for elections.

A. Not by a candidate by himself. If he had enough workers who were willing to do it, he could, but not by the individual candidate.

Q. And would it be less expensive to run from a single-member district than it would be to run from one large multi-member district?

A. There might be a small saving, but, for example, your TV stations don't, I don't believe, give you a reduction, if you put out a political ad on there.

Q. I understand.

A. I think they charge you the same rate. Now, they do give some small breaks, maybe, but very little.

Q. I am going to show you a map, which I am going to identify as Plaintiff's Exhibit P-1, Sowder Deposition, Lubbock County.

(Thereupon such map hereinafter described was
(identified as Plaintiffs' Exhibit No. 1, Sow-
(der Deposition, Lubbock County, and same is
(attached to this deposition.

Q. (By Mr. Korbel:) And I am going to show you

Sowder - by Mr. Korbel

this map and ask you what you understand that to represent?

Maybe I can help you on that. This area is the Lubbock County Multi-Member District divided into two spots.

A. Uh huh

Q. Now, if we drew the lines substantially that way, the way they are drawn now, and limited the district to this size, would you suppose that the district referred to as 75-2 on this map would be small enough that a candidate could fairly easily go door-to-door in a campaign?

A. I don't believe so.

Q. What would be the distance? The furthest distance, say, across the district horizontally?

A. Well, I don't remember what this is. Is this the east City Limits, I assume, here?

Q. Yes, this is correct. And this would be Texas Tech here.

A. You are going to the west side of the Texas Tech campus?

Q. Yes, sir.

A. That is about five miles.

Q. Okay.

A. Five to six miles.

Sowder - by Mr. York

Q. The district would be about five miles long and possibly about three and a half or four miles the other way, right?

A. Well, this goes to the traffic circle on the north, or the city limits--

Q. If we squared it off, it is going to be about three by four, or three by five?

A. No, it would be larger than that. It would be five by five, I think, at the least.

Q. Okay So it would be 25 square miles?

A. I believe it would be.

Q. And if I told you that --

A. I am not an engineer.

Q. I understand. I understand. I am just estimating.

A. Okay.

Q. But if I told you that there was sufficient population in this district to make a district, would you have any objection to that? Would that look about right to you.

A. As far as population?

Q. There would be sufficient population to account for about 74,000 people, is that right?

A. I think you would have to include the Tech population.

Sowder - By Mr. Korbel

Q. Yes, Tech is included in that, that is that tract.

A. Yes.

MR. YORK: You might talk to him in terms of sections of land, he might understand that.

Q. (By Mr. Korbel) Okay. Does this look like a difficult map to draw? You said you thought it would be fairly difficult to divide the county-- to divide the Multi-Member District into two parts.

A. I didn't say I thought it would be difficult to divide it into two parts. I don't think you have got the population there that gives the minority groups a majority in that area. I may be wrong.

Q. If I told you that the population in that area would be about forty per cent, or a little over forty per cent Mexican-American and Black combined, would you disagree with that?

A. I would have no way of questioning that statement.

Q. In general, do you know where the Mexican-American and Black population is located in the City?

A. Yes.

Q. Where would they be located with respect to this

Sowder - by Mr. Korbel

map?

A. The --

Q. What percentage of the Black population would be in the district which has been identified as 75-2?

A. All but one or two percent.

Q. Okay. What percentage of the Mexican-American population would be in there?

A. Ninety per cent and up.

Q. Okay. Now, I am going to ask you, do you suppose it would be less difficult for a Mexican-American or Black to run and be elected in 75-2 than it would be to be elected in the entire county; and I am going to remind you of your answer that about 25 per cent of the Anglo voters in the county appear to object to Mexican American candidates for State Representative just simply because he is a Mexican American. Would it be simply for them to run, would there be less likelihood of discrimination against them in that district? Than there would be county wide?

A. Probably so.

Q. There would be?

A. Probably less discrimination in the district you have drawn there.

Q. And if a Mexican- American, lets say, were running

for election, or a Black were running for election in 75-2 -- strke that.

Now, you said that the expenses ran as high as fifteen thousand dollars for a State Representative's race.

Lets say that I a promising young lawyer and I show up in town and I decide I want to become active in the Democratic Party and wanted to run for election -- lets back up. If I showed up in town and wanted to be a State Representative, would I run in the Democratic Primary or the Republican Primary?

A. Democratic.

Q. Why is that?

A. Well, I would.

Q. But, practically, why would I run in the Democratic Primary?

A. Well, at this time I am not sure that -- well, you would still have a better chance to run as a Democrat.

Q. Well, lets stop there.

A. But it is not widely separated any more.

Q. I see. Has a Republican ever been elected to a contested political office in Lubbock County to your knowledge?

A. A Republican has not been elected to political

office in the County, but Republicans, in state wide, or larger elections, have carried the County.

Q. But if I wanted to be elected to the State House of Representatives, I would probably run as a Democrat?

A. As a Democrat.

Q. Lets say that about the same time a young Mexican-American attorney showed up, of about the same age, in the town, and we were running from the same district, do you suppose it would be easier for him to be elected, or me to be elected?

A. Probably so. Probably so.

Q. So, all things being equal -- now, you said you didn't remember any instances of discrimination against Mexican-American People, does that mean that it doesn't exist?

A. Oh, no. That doesn't mean it didn't exist.

Q. You just weren't around when Mexican Americans were discriminated against, or Blacks were discriminated against?

A. Well, I wasn't with Froy when they were buying a house, or when he called about the apartment.

Q. But it does exist?

A. I don't doubt that it exists.

Sowder - by Mr. Korbel

Q. Now, you have been a lawyer ever since 1955, is that right?

A. Yes.

Q. And restrictive real estate covenants haven't been used since 1955, have they?

A. No.

Q. But were they in use in this county before 1955?

A. Yes. Before the Supreme Court declared them to be unconstitutional.

Q. And have you seen restrictive covenants against Mexican-Americans, Blacks, in your title work, I suppose?

A. I don't believe I have ever seen a restrictive covenant against a Mexican-American.

Q. You have never seen restrictive covenants against Mexican-Americans or Blacks?

A. Blacks, yes, but I don't believe so against Mexican-Americans.

Q. Well, if I showed you one, it would be possible?

A. Oh, I don't -- I just say I haven't seen one.

Q. Yeah.

A. I don't doubt they exist.

Q. Okay, okay. You were talking about the Arnett-Benson Addition, and you mentioned White flight. Do you have a lot of White Flight in Lubbock? Do you see that?

Sowder - by Mr. Korbel

A. Well, I used that term because Froy had first used it.

Q. Yes.

A. Well, we see it very obviously in the Northeast part of town, Parkway Drive, Cherry Point Addition.

Q. All right. Now, you said the single member district should be used for the School Board, is that right?

A. Yes, I did.

Q. Why do you think this is true?

A. Because I don't believe the minorities are adequately represented in it. Well, maybe on the School Board, because there is a Black on the School Board now.

Q. Yes.

A. But there would have been one on there sooner if --

Q. Uh huh. And why is that, that there would have been one on there sooner?

A. Well, I think with seven members, it is much easier to draw single member districts.

Q. Would you say their votes in the past have been diluted by all the other Anglo votes that could vote in the School Board election; would that be a fair statement? Or minimized?

Sowder - by Mr. Korbel

A. Well, I don't know how to term that. I would just say that the Anglos had won because they had more people to vote.

Q. Okay. That is fine. I will let that stand.

Now in the large district, when you have to run almost county wide for the State Legislature, your testimony was that you definitely had to use the media, right?

A. Yes.

Q. There would be a smaller necessity to use the media if you were running from a single member district, wouldn't there? If you were from a single district, you could get more people to work for you and go door-to-door and rely less on the media? You would still have to use some of it, but you could rely less on it?

A. Well, you are talking about relative things.

Q. Well, you are the County Chairman, you should--

A. No, I am not. I was.

Q. You were the County Chairman, you are an expert on campaigning?

MR. YORK: Can we stipulate to that?

A. You know, running for the School Board in Idalou

Sowder - by Mr. Korbel

there was only one person that ever used any media, and he was soundly defeated as a protest to him using any media.

But, in the City of Lubbock, for example, in the City Council Election, it is not unusual to spend several thousand dollars.

Q. Uh huh.

A. And in the School Board Elections it is not unusual to spend several thousand dollars in School Board Elections.

Q. I understand.

A. I don't believe, that as a practical matter, that you can organize the precinct you have drawn, or district you have drawn, or any other thing that covers 75,000 people, in the area you have got to have, and substantially reduce the use of the media. I just don't think you can.

Q. If I suggested to you that the experience in the last campaign in Dallas County and in Bexar County was different from that, would you disagree?

A. Well, I--

Q. The -- that there were districts in Dallas and Bexar County where the victors used very little media?

A. Well, I think that is certainly possible.

Sowder - by Mr. Korbel

Q. That is possible?

A. Sure.

Q. Okay. If I was this promising young lawyer and I showed up in Lubbock and decided I wanted to run for the School Board, would one of the ways that I got myself known around Lubbock be joining organizations like Kiwanis, and Lions, Elks, Eagles, and these organizations?

A. Well, not to get my vote.

Q. Well, no, but for the most part, for the most part, wouldn't that be one of the ways I would get to be known around town?

A. That would be a good way to get acquainted with people.

Q. Okay. When a Mexican-American goes on-- we talked about 25 per cent of the Anglo population in the Lubbock County Multi-Member District being opposed to a Mexican-American, per se, in running for the State House of Representatives. When he goes on television and speaks with his Mexican American accent, with his Spanish accent, do you suppose that that really turns off the 25 per cent of the Anglo voters, and actually encourages them to get out and vote against him?

A. I don't know. I hope that I mix with people that would not, and so I don't know.

Sowder - by Mr. Korbel

Q. Would this be a reasonable conclusion though?

A. Well, I think that maybe you have overstated it when you say they would work against him.

Q. Uh huh

A. I think it might turn them off as far as voting for him. I think they would be more reluctant to maybe vote for him than they would vote for him, but I don't think in that high a percentage of people that it would actually activate them to openly, or actively oppose him.

Q. But in respect to that at least 25 per cent of the voting population, in respect to that group, the use of the media actually damages the Mexican-American candidates, isn't that right?

A. Well, it would --

Q. It doesn't help them any?

A. Again, it is back to this: I think this proposition of the appearance of a Mexican American on TV is not going to gain some people his vote.

Q. All right

A. Just as a nervous candidate, or anybody else.

Q. But it is different from being nervous?

A. Yeah.

Q. This is race.

A. The ethnic thing is not going to gain some people.

Q. Okay. I will accept that.

Now, you said there was some litigation over cemetary lots. Can you straighten that out for me?

A. Well, there was, I believe, a Black airman at Reese whose wife died, and the City initially refused to let his wife be buried in the City of Lubbock Cemetary.

Q. When was that?

A. Oh, six or seven years ago.

Q. There was a Black Cemetary that she could have used, though, wasn't there.

A. I really don't know.

Q. Where do the Blacks bury their dead?

A. I really don't know.

Q. Where do the Mexican-Americans bury their dead?

A. Well, In Idalou, the same place we bury the Anglos, but I don't know.

Q. You don't know where here?

A. No.

Q. There is one other litigation that we probably should mention, and that is the U.S.A. vs. Lubbock Independent School District. Are you familiar with that

case?

A. Yes.

Q. And do you know how many schools were found, as a matter of law to be de jure segregated with respect to Blacks?

A. I just remember the Federal District Court redrawing the school district's boundary lines.

Q. Well, we will let that opinion speak for itself. That is fine.

A. Sure.

Q. Lets see, you are familiar with Box 5, in your County Commissioner's Precinct?

A. If you will tell me the name of the box, I may be.

Q. Let me see if I can find it.

A. Is that Central Fire Station -- no Guadalupe School.

Q. Yeah.

A. Yeah.

Q. Would you say that is a racially identifiable box?

A. Yes.

Q. What would that be?

A. Latin-American.

Sowder - by Mr. Korbel

Q. Okay. What about Box 2? Let me--

A. Northeast corner, that would be--

Q. Sam Arnett in 1968. What would the relative percentage be of Blacks to Anglos there?

A. I am going to have to place that. That is Arnett-Benson?

MR. YORK: Claton Carter (Phon)?

A. Claton Carter. Well, I truthfully don't know how you would identify that one.

Q. Okay.

A. Probably the whole box Mexican-American, I would guess.

Q. At this point, but I am talking about 1968, now. In 1968, do you remember what that was?

A. Well, I would have thought then it was pretty well mixed . .

Q. All right.

A. Not many Blacks, but I would have thought it would have been mixed between Mexican Americans and Anglos.

Q. Probably a little more Anglos than Mexican Americans?

A. Probably so.

Sowder - by Mr Korbel

Q. So if I said it was about three to two, would that be about right?

A. I would think so.

Q. And Box 5, you would say would be about, oh, four to one Mexican-American?

A. Probably so.

Q. Box 6, would you say that would be mixed, about five to four Anglo, lets say?

A. Tell me the name of the precinct.

Q. Oh . . .

A. I am sorry.

Q. That would be Alderson Junior High. This would be in '68?

A. '68

Q. And it would be about half and half, five to four?

A. In about '68, maybe half and half.

Q. Okay. How about Box 10, that is Thompson School would that be about five to two, would you say, Anglo, in that area?

A. I don't remember where Thompson School is.

Q. Maybe I can show you a map. Maybe that would help some. Well, I don't guess I have one. Well, lets try another one here. How about Lubbock-Dupree School,

in 1968, would that be about four to one, Anglo, would you say?

A. I wouldn't have thought it would have been that high.

Q. It wouldn't have been that high?

A. I don't think so.

Q. Would it have been three to two maybe?

A. Maybe.

Q. Okay. And Box 18, now that is O. L. Slaton Junior High School, what would you say that was, about? Four to two? About two to one Anglo?

A. Probably two to one.

Q. Okay.

A. Or three to one.

Q. Now, I am talking about Box 41, now, that is getting down into your area, is it not.

A. Yes, that is Idalou.

Q. That is the City Hall at Idalou.

A. Yes.

Q. What would the registered voters by there?

A. Total?

Q. Yes.

A. About 1,100.

Q. How would that break down, Mexican-American, Anglo,

registered voters?

A. About three-and-a-half to one.

Q. Anglo over Mexican-American?

A. Yes.

Q. So it would be somewhere between three-and-a-half to one, right?

A. Yes.

Q. Okay. Now, Box 43, that is down in your area, too, isn't it?

A. That is New Deal.

Q. 43, that is the New Deal Club House?

A. Yes.

Q. How would that run in '68?

A. Well, I don't have any -- I really wouldn't know.

Q. About three to two, or three to one?

A. I don't know.

Q. Box 48, do you know how that would run? That would be the May Murphy School?

A. May Murphy?

Q. That is down in your area.

A. No, that is down south. That is predominantly Anglo.

Q. So that would be about three to one or four to one?

Sowder- by Mr. Korbel

A. Thirty to one.

Q. Thirty to one Anglo?

A. Yes.

Q. Okay. So if I told you that -- if the percentages that you just gave me were very close approximations to the percentages that Derrick and Carrillio (Phon) received in the 1968 Democratic Primary; if I told you that those were very close approximations to the actual vote they received, would you agree with me that those votes were probably cast along racial lines?

A. I wouldn't dispute your statement as to some of the boxes, no, I don't think so.

Q. Which boxes would you say were especially racist?

A. 41 was not.

Q. If I told you it was 638 and 134 for Derrick over Carrillio, would you still disagree with me?

A. Yes, I sure would.

Q. Which boxes would be the racist boxes?

A. Well, I don't know enough about New Deal boxes, for example, and the May Murphy shouldn't have been in that election.

Q. It was. It was. Anyway, I know Box 48 was.

A. Well, it was in the box, then, I guess.

Q.. Okay.

Sowder - by Mr. Korbel

A. And in the Idalou Box, I can come nearer saying that was rural vote for him as opposed to urban vote for Carrillio, and a County Commissioner will make 184 people mad in four years that wouldn't vote for him, and I know lots of Whites that didn't vote for him that live at Idalou.

Q. Okay. But you will agree that at least some of these boxes represent racial votes, is that right?

A. Well, I don't know, and I don't ---

Q. You wouldn't dispute that?

A. No, I don't dispute it.

Q. Okay. So if that was the conclusion you wouldn't dispute that. Okay.

Just two more questions that I am going to ask you.

Now, with respect to candidate recruitment, do you suppose that the use of multi-member districts in Lubbock County would discourage--or we will talk about multi-member districts in general, would discourage a Mexican-American from running if he knew, for example, that 25 per cent of the Anglos were going to vote against him just because he was a Mexican-American and for no other reason?

Do you suppose that would discourage his

recruitment?

A. Well, I think anybody that announces for office, that has got any sense at all, weighs every item, and that would be one of the factors he would have to include in his decision.

Q. Uh huh. Okay. Do you suppose that the residual effects of the poll tax and annual voter registration, the filing fees, and the restriction in migrant voting, and the like, would have some sort of effect upon Mexican-American outlooks as far as politics are concerned?

A. Viewed from . . . ?

Q. We are just talking about the residual effects, the poll tax went out in 1968.

A. I can only view it from an Anglo's position.

Q. And as the former County Chairman, too?

A. Well, I can't understand how it does, but it may very well.

Q. Okay. If I told you that the studies indicate that it does, you wouldn't dispute that, right?

A. No.

MR. YORK: Which studies are we talking about?

MR. KORBEL: I went into them. I will get it. I'm not sure any more.

Q. (By Mr. Korbel) For the purpose of the record, with the exception of the Constable you referred to in that precinct, and I am not sure about the racial breakdown, because I don't have all the maps we normally have; but with the exception of that Constable, has a Mexican-American, since Reconstruction, ever been elected to anything in Lubbock County that you know of?

A. Well, I haven't been around that long.

Q. But in your knowledge?

A. He is the only Mexican American that I can think of that has held public office.

Q. All right, do you have an explanation for that?

A. Well, I think ethnic origin is certainly one factor.

Q. Okay. Would you say that is a substantial factor?

A. Well, yeah, it is substantial.

Q. Okay. Would you say the educational problems the Mexican-Americans have faced in the county is one factor?

A. Yes, The cost of the races.

Q. And the cost of the races is another factor?

A. Yes.

Q. All right.

Sowder - by Mr. Korbel

MR. KORBEL: That is the last question I have. I think I am going to offer this map into evidence at this time.

(Thereupon the map heretofore identified as
(Plaintiffs' Exhibit No. 1, Sowder Deposition,
(Lubbock County, was offered in evidence, a
(copy of which is attached to this deposition.

MR. YORK: We have nothing further.

(Deposition concluded.)

---oOo---

EXHIBIT 1, SOWDER DEPOSITION, LUBBOCK COUNTY, OMITTED BY AGREEMENT OF PARTIES, FORMERLY PAGE 2067

EXHIBIT 2, SALINAS DEPOSITION
(Cover Page)

Managing Mexican-American Employees

by

CARLTON J. WHITEHEAD
and
ALBERT S. KING

COLLEGE OF BUSINESS ADMINISTRATION
TEXAS TECH UNIVERSITY

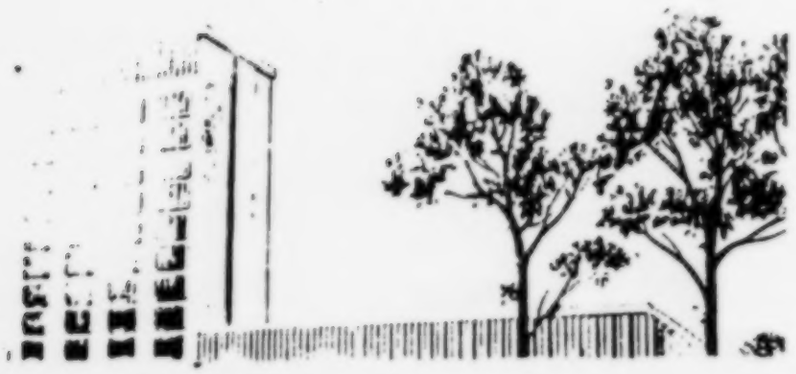

EXHIBIT 2, SALINAS DEPOSITION

CHAPTER 1

INTRODUCTION

Mexican-American form one of the largest, most distinctive, and most economically deprived minority groups in the United States. While there are many dimensions of this problem, our research is specifically concerned with managerial problems in effectively assimilating this minority into industrial organizations.

The typical complaint levied by managers against Mexican-Americans, as well as other underprivileged employees, is that they do not perform as well as they should. When asked about John Smith's performance, a manager's reply might be that "John has had a good training and educational background for his job and is a good employee." If questioned about Tony Gonzales and his work performance, the manager might state something like "with such poor background and education, what can you expect?" In other words, managers perceive that the Mexican-American is not prepared for the industrial work environment. In many cases, managers' perceptions of Mexican-Americans' preparation for assimilation into the work environment are accurate. However, the problems which managers in industrial organizations face are much more complex than simple first-hand experience indicates.

The fundamental problem is believed to reside in intercultural relations. The Mexican-American has maintained a separate subcultural system within the larger American culture which has contributed to differences in his preparation for work standards and managers' attitudes toward Mexican Americans unintentionally influence and condition their job-related performance. This research is designed to investigate the problems which typically arise.

THE DISADVANTAGED MEXICAN-AMERICAN

To gain perspective of employment problems of Mexican-Americans, one must understand the socio-economic conditioning and status of the disadvantaged. It is possible to locate the origins of some of the Mexican-American employees' work habits in the social and economic systems of the disadvantaged worker. Numerous descriptions have provided information about the habits of work, rest, recreation, education, medical attention, housing, life chances, and other socializing processes that the underpriviliged worker learns from his own culture. The voluminous

studies of minority groups provide sufficient evidence to develop a profile of the disadvantaged, and in particular of the Mexican-American, worker:

1. unemployed, underemployed, unable or unwilling to secure work; occupations generally of the menial, manual, unskilled, or semi-skilled type;
2. high crime rate, and participation in vices as well as disregard for mores of dominant group;
3. lack of sufficient educational provision;
4. poor nutrition, high incidence of disease and injury, and generally indecent health standards;
5. living in substandard housing with overcrowded conditions and inadequate sanitation facilities; frequent moves from one poor house or apartment to another;
6. high birth rate and high mortality of offspring in infancy and childhood;
7. hopeless lack of self-determination accompanied by lowered motivation; generally discontented, rebellious, and demanding of social reforms.

These are characteristics of an individual who is living on the bottom of the socio-economic scale within the United States. It is obvious that an individual who possesses these characteristics is not one who is going to be challenged by the typical, Anglo-dominated industrial organization; that

is, he will not be expected or motivated to perform effectively within the environment as it has been shaped by the Anglo-dominated culture. Recognizing the Mexican-Americans' historically disadvantaged role is necessary in order to understand the training and work environment which has served to reinforce his suppressed level of motivation and productivity.

Factors precipitating the Mexican-American's Disadvantaged Position

The family structure is an important factor influencing the role and status of the Mexican-American worker. The Mexican-American family on the average is larger than the Anglo family. Larger family size usually causes the Mexican-American problems not encountered by the typical Anglo worker. The necessity of supporting a larger family on what is frequently a smaller income obviously changes family relationships, requirements, standards, and behaviors. With urgent daily requirements for the bare necessities of food and clothing, each member is required to reduce ambitions and achievement aspirations to a level of substenance; to limit horizons as far as long-range planning and training for improved skills and better jobs are concerned; and to narrow and restrict perspectives and goals concerning future education and career plans.[1] The Mexican American, preoccupied with pressures for family survival, does not acquire a drive for higher skills

Interrogatories, as the logical sequence of questions and answers.

THE COURT: Very well. They are admitted.

MR. WOLF: May I say also, if Your Honor pleases, that extra supplemental answers to Defendant's Interrogatories as far as they pertain to questions which dealt with Individual plaintiffs, spouses, children, and schools attended, have been served on Defendant and copies filed with the Court.

THE COURT. Yes.

MR. WOLF: They will be part of our answers to Interrogatories that will of course fall within 2-A.

THE COURT: Why don't you write on the exhibit "supplemental"? Let me make it 2-C then.

MR. WOLF: Would you like it 2-C?

THE COURT: That is admitted into evidence.

MR. DEANDA: Your Honor, we call Dr. Garcia. If the Court is ready.

HECTOR PEREZ GARCIA,

witness called by and on behalf of the Plaintiffs, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DeANDA:

Q. Doctor, would you please state your name for the Court?

A. My Name is Hector Perez Garcia.

Q. Dr. Garcia, you are a medical doctor?

A. I am a doctor of medicine.

Q. Practicing here in Corpus Christi?

A. That is correct.

Q. And--

A. I am a general practitioner.

Q. You have practiced here in Corpus for how long?

A. I would say since about 1946.

Q. All right. Where do you reside?

A. My home address is 401 Peerman Place, Corpus Christi, Texas.

Q. And your office?

A. My office 1301 Cright Street.

Q. Doctor, aside from your medical practice, have

you been particularly involved in Corpus Christi with the problems concerning the Mexican American?

A. Since I came to Corpus Christi, I have been deeply involved in the problems of the community, and especially the problems of the Mexican American in this area.

Q. Have you had occasion to serve on any committees or political bodies of any sort, either private or public, that directs their attention to the problems of the Mexican American?

A. My main tenure of office on such a body would be a commission member of the United States Commission of Civil Rights.

Q. All right. Doctor, apart from that particular appointment and your membership on the Commission, have you served on any other boards or committees that deal with those particular problems?

A. Well, I have participated in different committees and meetings and caucases involving these specific problems on practically all levels here and in the state.

Q. Have you ever had occasion to serve on the Bishop's Committee for the Spanish People?

A. Yes, I was vice-president of the Bishop's

Committee for the Spanish People.

Q. And that committee was formed by whom and for what purpose?

A. The Bishop's Committee for the Spanish Speaking was formed by the Area Regional Bishops of the Catholic Church with the main purpose of trying to look into and seeking solutions of the serious problems involving and affecting the Spanish speaking in this area.

Q. And when were you first appointed to the United States Commission on Civil Rights?

A. I was appointed in about December of 1963.

Q. And you also served in the United Nations, I believe?

A. Yes, I served in the United Nations as alternate delegate with the rank of ambassador at the United Nations in New York on behalf of our country, the United States of America.

Q. Doctor, you are the founder of the American GI Forum?

A. That is correct.

Q. What is the purpose and reason for which that organization was formed?

A. Basically, it was formed here in Corpus Christi in '48, in 1948, to try to gain or improve

the various serious conditions of the problems of all veterans, and then specifically since the majority of the veterans here that I was deeply interested in and the ones who have the greatest degree or lack of opportunity to advancement were Mexican Americans, we ended up, although not in the beginning, by being primarily a family veterans group interested in the promise of the veterans regarding especially poverty, hunger, education, and also the giving of scholarships to needy students. This is more or less our charter. We are a family veterans charitable organization.

Q. Was the organization and is the organization concerned primarily with the problems of the Mexican American?

A. I would say primarily so, though not totally.

Q. All right. Are you also familiar with an organization known as LULAC, which has been mentioned here in the record, on occasion?

A. Yes, sir. I am familiar with the Local United American Citizens, known as LULAC.

Q. What is the purpose of that organization? Do you know why it was organized?

A. Basically, it was organized I think in the thirties

about '35, due to the killing of some Mexicans by the sheriff in one of the surrounding counties, which I believe would be Silsbee or Raymondville, where the Mexican Americans were killed, what they thought at that time was unjustifiably, and also of the lack of opportunities and the lack of respect and the lack of education in the area of Corpus Christi is why the LULACS were organized also here in Corpus Christi.

Q. LULAC was also founded here in Corpus?

A. Yes, sir.

Q. When you say lack of education and those other things you mentioned, are you referring to the Mexican American citizen?

A. Yes sir.

Q. All right. Now, Doctor, our purpose in calling you as a witness in this case is to establish or show the Court that Mexican Americans are treated and recognized as an identifiable group within the Corpus Christi community and Corpus Christi area and in the Corpus Christi Independent School District. It is with that in mind that I am going to ask you questions concerning various facets of life here in Corpus Christi and in the past, and first I am going to

direct your attention to the schools of Corpus Christi and ask you if you have had occasion to make any study pertaining to the faculty, the teachers, as to the Mexican American teachers and the Anglo American teachers of the school system?

A. Yes, sir. I have at the very beginning, I would say in the latter part of 1948 and '49, we had our first meeting within I believe the superintendent of schools, I think Mr. Baker, and pointed out to him at that time that he had no Mexican American principals and a greatly limited number, a very limited number of Mexican American teachers. We asked them to go ahead and first increase the number of Mexican American teachers in the school system and to give us our first principal.

He came out with an argument and we did suggest a name. We suggested at that time Mr. Montoya, Gregg Montoya. After that we had secret meetings with different superintendents of the school system in Corpus Christi and again reminded them of what I thought was an unfair imbalance of administrative positions, and also the limited number of teachers were

with Spanish surnames.

As late as 1965 and '66 we had--I presented a paper here at a hearing on the Texas Advisory Committee of the United States Commission on Civil Rights on which I gave the points and which you have asked me right now to develop, that at that time--of course, it went by the Spanish surnames from the school directors itself--found out that out of fourteen consultants there were only two Mexican Americans.

Q. Now, this is for what year, Doctor?

A. '65 and '66 school year.

Q. All right, sir.

A. All right. We went ahead and developed first the median average of educational level of Corpus Christi with a yardstick. Twenty-five years of age or older was below the state level of 6.2 based on the '60 census because in Corpus Christi we had only four and a half grades of school for the Mexican Americans.

Then we went ahead and appointed that on the administrative offices and officers that we had pointed out. In comparison, there were very few, if any. We pointed out that out of

fifteen school nurses, which is the school function, we had only one.

The cafeteria managers, out of fifty-five we had only five. Of the high school administrative officers, which I consider topnotch, involving the high schools of Mary Carroll, Solomon Coles, King, Miller and Ray, with a total of thirty-six, we had none.

We went ahead and studied, broke down the administrative officers of the schools of Baker, Barnes, Browne, Cullen Place, Robert Driscoll, Hamlin, North Side, South Park, Sundeen, Wynn Seale, with a total of 52 administrative officers and only four were Mexican Americans and only one was a principal.

Q. All right. Now, that principal, Doctor, was at which school.

A. I have him here as Wynn Seale.

Q. Now, you also note one assistant principal at North Side School and one assistant principal at the Barnes and one counselor at Barnes.

Were these schools known as predominantly or primarily Mexican schools.

A. I would say so, but definitely not. I would say they are known in what we refer to here

as Anglo schools.

Q. I'm talking about Ella Barnes.

A. Well, of course, in my list here we have schools by eleven, and I would say with the exception of Ella Barnes and North Side it would be what I consider ethnic group of Mexican Americans and also blacks.

Q. All right. Then all of the administrative officers which you have indicated and we have talked about here, they all with the possible exception of one, according to your recollection, would have been in predominantly Mexican American schools?

A. The only two I have besides the principal in Wynn Seale is the assistant principal who I understand would be in the Barnes and the assistant principal at North Side would be the only ones I have.

Q. All right. Now, as far as your teachers are concerned, and I have given to the clerk a copy of this--or I thought I did--well, we will offer it, Judge. We thought it might be helpful if you read it as we talked here.

THE CLERK: Plaintiff's Exhibit 21 is marked for identification.

THE COURT: Admitted in evidence.

Q. You have also indicated on this memorandum that is Plaintiff's Exhibit 21, for the record, that there were a total of 442 high school teachers in the years we are talking about, of which 24 were Mexican American.

A. That's correct.

Q. And of those 24, fifteen taught at Roy Miller High School, none taught at Solomon Coles, two were at Mary Carroll; a shop teacher and a band instructor, two, were at King High School; a shop teacher and a Spanish teacher; five were at Ray High School, four of which were Spanish and one was a physical education instructor, is that correct?

A. That would be correct from our educational study.

Q. I am sure the School Board will correct us if anything in this is not correct.

Now, Doctor, you have indicated that by the 1960 census, and I believe there's already been testimony, with reference to this, that the average education level of the Mexican American in Corpus Christi over twenty-five years of age was 4.5 years of schooling. What

was the figure, if you have it, in the 1950 census, ten years before? Do you have that figure?

A. Yes, I think I do. You are asking me about the Corpus Christi schools?

Q. Yes, sir.

A. All right. I have here that in 1950 census the educational level attained of the same people we are talking about, twenty-five or over, for 1950, was 3.2 grades of school, three and two-ten-tenths.

We mentioned the fact in 1960 we had moved up to 4.5 1/2.

Q. That is over a ten year period?

A. Yes, sir.

Q. All right, Now, Doctor, during this interval that we are talking about, and without mentioning the names involved, do you know of any occasion when Mexican American teachers had taught at predominantly Anglo schools or had tried to teach at predominantly Anglo schools and were presented or transferred from such schools to teach in predominantly Mexican American schools?

A. I would say yes, there were several occasions in which the teachers, and especially some

counselors, came over to see me and said that they were not given an opportunity. I well remember a specific case of a very attractive lady who came over and told me that since she carried an Anglo surname, that --

MR. HALL: Your Honor, we are going to object to testimony of this kind. It is very important to hear the particular person who says that he or she was not allowed to transfer because there are many factors that affect a transfer, or who teaches where, and we don't have the right to examine the witness as to what was said and what was said comes to us through Dr. Garcia. It is hearsay and we object to it on that basis.

THE COURT: I will sustain the objection.

Mr. DeAnda, on particular incidents and personalities whose names are not involved but who cannot be verified to check, I think you understand that--

MR. DEANDA: Yes, Your Honor.

THE COURT: You have laid a sufficient predicate for Dr. Garcia to speak and give

his opinion and conclusions on the general attitudes of Mexican Americans without going into specific personalities or incidents.

MR. DEANDA: Judge, while I'm on the subject of schools, I would ask the Court to take judicial notice of this Court's docket and records pertaining to Diago Chapo, a miner, versus Odom Independent School District, which was Cause 56-C-92, a segregation case involving Mexican Americans.

Also, Judge, Amandes versus Driscoll Independent School District. I don't have that cause number, but I will obtain that for the Court. That was tried in this Court about 1958 before Judge Allred who then sat here. It also involved desegregation of Mexican American children in the public schools.

I will ask counsel to stipulate that Driscoll is in Nueces County, approximately I believe about thirty-five miles or so from Corpus Christi, if that is right, and if you have a different mileage I will stipulate to your mileage.

MR. HALL: I have no idea where it is in terms of miles. We will stipulate the Cities of Odom and Driscoll--

THE COURT: Odom and Driscoll were both on the docket of this Court and they both involved integration of Mexican-Americans into Anglo schools, and both of these schools are in proximity to the Corpus Christi Independent School District.

MR. HALL: Does he mean the whole record in judicial notice?

THE COURT: I think he only means that I take judicial notice heretofore there has been suits filed in these two incidents where Mexican Americans were complaining in this area of discrimination by the Anglos against them in the public school system.

MR. DEANDA: If the Court will take cognizance of the judgments as to the holding and as to the substance of those cases.

THE COURT: Well, we can do that.

Q. (By Mr. DeAnda) Doctor, you are a medical doctor. I will ask you if there has ever been

in Corpus Christi any distinction made as far as Mexican Americans are concerned as between Mexican Americans and Anglos in either hospital records, health records, or in the treatment of people of Mexican decent in the the hospitals in Corpus Christi?

A. Definitely there has been. There was always a separate division or classification of the Mexican American and the rest of the patients at the Memorial Hospital, which is the City-County Hospital, and until as late as, I would say, as the latter part of '67 or the beginning of 1968. We are classified and treated as a separate class or group. We were divided. The records indicated it and some birth certificates have indicated it.

I have had some beginning in '48, '49 and '50--I had some bad experiences involving some serious separation or denial of beds to Mexican American patients because although there were beds available at that time in the so-called Anglo wards, because the Mexican ward would have been filled up these patients were placed out in the hallway and this was to me a terrible experience.

In 1949 I brought it to the attention of the fact you have an empty bed in the so-called Anglo ward. Then of course the policy was simply that they were not going to put no Mexicans with the Anglos. Then of course it persisted, the division in records and classifications on admissions were always white for the Anglos and, of course, Mexican Americans or Latins for the Mexican Americans.

As early as 1965 a memorandum was circulated there by the administrator of Memorial Hospital that no Spanish shall be spoken unless it directly involved whoever was speaking. This I brought before the Board of Directors of the hospital.

We constantly brought this thing up, but of course, the most shocking experience was the fact that at that time when I came out of the service, which I had served also as a doctor, that I come and face this thing in a hospital in Corpus Christi.

I have here some statements as early as '58 wherein the Spanish surname persons--and this was involving a child seven months old, was classified as a Mexican and all the way up

through, as I say, in 1959, the same thing, until the latter part of '67 or '68.

I notice here in the records again where the Anglo patient was classified as race, white, and we have here some emergency room slips that more or less would show the same thing.

Q. Doctor, let me ask you this: You did mention at one time there were actually separate facilities in the Memorial Hospital, which was a County facility, for Mexicans and Anglos.

A. In 1946 on up when I started practicing here in Corpus Christi, Memorial Hospital had separate wards, surgical and maternity. I can't recall pediatrics. But certainly the maternity sections were divided and the surgical sections were divided.

There was a Mexican American, Anglos, and the blacks that were divided three ways.

Q. I have marked for identification as Plaintiff's Exhibit 22 a number of birth certificates filed in Nueces County. I think these are some from Robstown, Your Honor, and Corpus Christi. I don't know if they are equally divided or not.

These birth certificates show, Doctor,

that under the place which indicates "color or race", there is Lat. Am., which I presume means Latin American, and so on where the word Mexican appears for color or race. Is that what you were referring to, Doctor, when you testified earlier about birth certificates?

A. Yes, this is what I was referring to.

Q. Looking at the names on those birth certificates, are those Spanish surnames? I am again referring to Plaintiff's Exhibit No. 22.

A. Yes, definitely the ones I had seen here, and I would say all of them were Spanish surnames, the ones I have seen there.

MR. DEANDA: Your Honor, I don't know if I recall offering Exhibit 21. I now offer Exhibits 21 and 22 in evidence on this issue.

THE COURT: Do you have any objection to that?

MR. HALL: What is Exhibit 21, Mr. DeAnda?

MR. DEANDA: The statistics Dr. Garcia was talking about.

THE COURT: Plaintiff's Exhibit 21 is admitted in evidence and Exhibit 22.

Q. Now, Doctor, I will direct your attention to the public offices and holders of public officers. Have Mexican Americans here in Corpus Christi and in this area held public offices in any proportion to their numbers here in the community?

A. I would say the Mexican Americans have held public offices in the community, but never by any stretch of the imagination in proportion to their representation, either as scholastic students or by inhabitants in this area.

Q. Well, let me ask you, has there ever been a mayor of Corpus Christi of Mexican extraction?

A. As far as I recall, no. there has never been a Mayor with a Spanish surname in Corpus Christi.

Q. Do you recall when the first Mexican American City Councilman was elected, approximately?

A. It was Dr. Manuel Maldanado. I recall he was in the later fifties or beginning sixties. I don't recall exactly when.

Q. Well, it would be in the fifties, Doctor.

A. I would say yes, in the late fifties or early sixties.

Q. All right. Prior to that time, to your knowledge

had any Mexican American been elected to the City Council of Corpus Christi?

A. No, sir. We tried real hard, but we could never achieve success. We were batted down. We were just held down by massive resistance from the controlling factor.

Q. All right. How about other public agencies? How about Delmar College, was there ever any Mexican Americans on the Board of Delmar College, which is our local college here in Corpus?

A. There has been, I think, two Mexican Americans on the Delmar Board of Corpus Christi.

Q. And when was the first time that a Mexican American ever served on the Delmar Board, to your knowledge?

A. I can't recall exactly when it was.

Q. While we are talking about Delmar College Doctor, in elections involving Delmar College has the issue ever been raised as between whether or not a candidate is of Mexican origin or whether he is Anglo?

A. Yes, sir. It definitely has been raised. On several occasions, and involving some serious tactics and definitely in paid political

advertisements. We have been classified as not only a separate ethnic group, but also as a separate race. They were both involving the Delmar College, and also involving the Corpus Christi election, because this type of advertisement, I went over there and corrected the members of the Board, some of them who were ignorant of the fact we were Caucasian and two of them, very distinguished citizens of Corpus Christi--and we protested the Corpus Christi Caller advertisement on Friday, April 6th, wherein in about six places they classified us as a different race.

Q. Doctor, I call your attention to Plaintiff's Exhibit that has been marked Exhibit 23, which purports to be a copy of an article that appeared in the Corpus Christi Caller Times on April 6, 1962, with reference to a Delmar election. Did that article receive wide dissemination here in Corpus Christi?

A. Yes, sir; it certainly did. It received quite city-wide dissemination. Not only the newspaper informing them of the fact about certain elections coming up involving the election of candidates

for reasons of race and without regard to comparative capabilities of candidates.

MR. DEANDA: Your Honor, we would offer late evidence Plaintiff's Exhibit No. 23, to which the doctor has referred, which I will present to the Court.

THE COURT: Plaintiff's Exhibit No. 23 is admitted into evidence.

MR. DEANDA: I have the actual photocopy, Judge, of that particular advertisement, but it was done very poorly. It is at the Public Library, so we retyped it. But I am going to offer this as Exhibit 23-A, just so that in case anyone want to compare it--

THE COURT: 23-A is admitted into evidence.

THE CLERK: Plaintiff's 24 marked for identification.

Q. While we are on the subject of elections, Doctor, I will now refer to School Board elections. I believe we presently have one member of the School Board who is a Mexican American, is that correct?

A. That's correct.

Q. And for what period of time do you recall that there has been one Mexican American on the School Board?

A. I would say up to about 1950 there was one. At the period between 1950 and perhaps '60 there were two. Now there's only one.

Q. You were talking about the Corpus Christi Independent School Board, there were two Mexican Americans on the Board?

A. That's right.

Q. Referring to Exhibit No. 24, Doctor, which again is a political advertisement of some kind, I will ask you if you are familiar with and if you have seen that particular advertisement before?

A. Yes, sir. I have seen this entitled "It Can Be Later Than You Think," an article involving the school race, on Saturday, April 1st, 1950.

Q. Do you recall it was 1950?

A. That's correct.

Q. This particular article purports to state that there has been one Mexican American or Latin American on the School Board, and separately referred to some effort to put more than one Mexican American or Latin American on the School Board, and speaks of having more than

one and the unfairness of having more than one Mexican American or member of the Latin American race on the school board?

A. This is correct. It says here, "Now, and for many years past, our Latin American friends have had one of their own race on the School Board --as is frankly agreed by all fair thinking people that they should have. However, this present Latin American member still has two years to serve on his current term, and naturally it was thought that our Latin American friends would make no attempt to put an additional member of the School Board at this time--and certainly not for the specific purpose of attempting to defeat an experienced Anglo American member for a second term."

MR. DEANDA: Without reading the entire advertisement, because we are intending to offer it in evidence, we will offer it, Your Honor.

THE COURT: It is admitted, Plaintiff's Exhibit No. 24.

Q. Doctor, how about other government agencies, apart from the ones you mentioned, such as law enforcement agencies--I refer specifically to

the Corpus Christi Police Department and the Department of Public Safety of the state in this area--did they customarily consider or identify Mexican Americans as a separate classification from other whites?

A. The classification of the Mexican Americans as a separate group, of course, according to them a separate race, was a constant thing here prior to about '52. It carried on until the latter part or middle part of the sixties. We have had, and I have here with me, classifications of the Nueces County Health Department in 1957, when we had the Texas Department of Public Safety classification, classifying us as a separate race.

THE COURT: When was that?

THE WITNESS: In 1957, I have one from the Nueces County Health Department, '57. We have the Texas Department of Public Safety in '50, the Texas Department of Public Welfare in '50. The one in 1957 involves a referral slip by the Corpus Christi, Nueces County Health Unit classifying the Spanish surname person as a race, the Latin American, and the Department

of Public Safety in 1950 on a ticket given to a Spanish surnamed individual has a classification of race, Mexican.

The Department of Public Welfare on a determination of aid to welfare show a Spanish surnamed lady classified under the race or nationality of Latin.

Q. Doctor, without going into each individual case, was there a practice say of the police department or the Department of Public Safety here locally that whenever they had occasion to issue a traffic summons to a Mexican American citizen they would note on the space provided on the summons for race that the person was Latin American or Mexican?

MR. HALL: At what time, Your Honor?

Q. Has this happened in the past?

A. It has happened in the past. Definitely it was the practice. In the early fifties we took it up again with all the people. We wrote them letters.

Q. Now, because of this practice did you have occasion to have meetings or correspondence with various officials that might be involved with these agencies?

A. Yes, sir. We did. We had constant correspondence. Every time a case would come up we could write them. We wrote to Homer Garrison about the classification by the Department of Public Safety. We had meetings with them.

Q. Would there be responses to these complaints?

A. There would be responses to the complaints, yes, sir.

Q. All right. Now, Doctor, we have mentioned here in this case on various occasions the concentration of Mexican Americans in particular areas of the city. While there may be various factors involved that bring this about, I would ask you whether or not you know of any practice in Corpus Christi to restrict or prevent Mexican Americans from living in particular areas of the city?

MR. HALL: Again, Your Honor, at what time? It seems to me if we are going into periods of time ten and fifteen and twenty years ago, we are now dealing with things that are relevant with what exists today.

THE COURT: I think that is true, Mr. Hall. Why don't you, if you are going to show a pattern, Mr. DeAnda---

MR. DEANDA: I will show a pattern.

Judge, which I intend to, which are restrictions that were filed as late as I believe as about-- here is one. Let me back up, Your Honor.

I want to offer into evidence Plaintiff's Exhibit No. 25 which consists of restrictions in various additions, residential additions in the City of Corpus Christi, which restrict, which have racial restrictions in them and which included expressly in these restrictions is that -- let me just read one for you, Judge, and I am reading from Plaintiff's Exhibit No. 25--

MR. HALL: May we have the date, counsel?

MR. DEANDA: This is from 1946. May 14, 1946, is when this particular record was filed. It is to last until January 1, 1970, according to its terms

A restriction in the particular area involved, which in this case was Best Addition, to this effect, that no tract, lot or part of lot in said subdivision shall at any time be occupied as used by

any person or persons not of the Caucasian race except that this covenant shall not prevent occupancy by domestic servants of a different race while domiciled with an owner or tenant. This provision shall be construed as excluding from occupancy in said addition, Mexicans, Latin Americans, Negroes and people of the yellow race.

This exhibit, Your Honor, contains a series of these instruments which were taken from the Nueces County Clerk's office records and involving various subdivisions.

THE COURT: Plaintiff's Exhibit 25 is admitted in evidence. You don't have to read it in full.

MR. DEANDA: I didn't plan to, Your Honor.

I believe the next one was filed in 1940.

There is also one filed here in 1943. There is also one filed in 1948, 1949, 1946, Judge.

Q. Apart from these particular deeds and these restrictions, Doctor, that we have referred to, do you know of your own knowledge whether or not there was a general practice in the City of

Corpus Christi to a large extent to restrict Mexican Americans from living in particular areas?

A. I would say that very certainly the restrictions that have been put in black and white, the written words, does not carry the whole intent and purposes of trying to discourage and prevent Mexicans and other minority group members from living in the area. It is also the spoken word, the attitude. I had a very good friend of mine who in 1964, a schoolteacher, was denied by all kinds of methods and means and ways of trying to buy a home in the Glen Arbor Subdivision at that time, and we had excuses that at first the FHA would not accept a loan from a Mexican American in that division or subdivsion.

We had affidavits here that even a woman who was part Mexican who is married to an Anglo man who is total Anglo would be refused houses.

We went into the real estate, we went into the housing, we went into cafes, we went everywhere, but the fact the restrictions, they were there, because where the word "Caucasian" was spelled out in writing, it will not include us.

Then later on, even if it were not out

into effect by the fact they couldn't pass the examination or the payments or the FHA would object to them, some nieghbors also called them--"Don't you know these people are Mexicans?"

It was the general intent and purpose that Mexicans would not be permitted to live in the more exclusive districts at that time, in early 1964, to move in those areas.

Q. All right. Doctor, have you through the years received complaints from various people who have been denied not only to purchase homes, but even to rent in particular areas of Corpus Christi because they were Mexican Americans?

A. Yes, sir; we have--and I have.

Q. Let me ask you about draft boards. Have you had any Mexican Americans serve on the draft boards here locally?

A. Mr. DeAnda, in 1949 the draft board issue was brought to a sudden front because the clerk accused Mexican Americans of not passing the examinations because some of them can't speak English. Naturally, this is based on the fact that in Corpus Christi out of 21 men examined only two could pass.

In Robstown, out of 67 only one would pass.

Out of the first 73 men in this area there were only five who did pass because of their English deficiency or limited knowledge of the English language.

Of course, this certainly upset me very much because we had just returned from the service and we know Texas had fifty percent of the Congressional Medal of Honor members who were Mexican Americans, and while the draft board only dealt with the draftees, the Marine Corps was practically 50 percent volunteer Mexican American.

Among the things that upset me at that time, we didn't have a single Mexican American on the draft board here.

Q. You are speaking of the period immediately following World War II?

A. I am speaking of the period as of 1943, and prior to that we had never had any Mexican American draft board member here.

Q. Then when this was ascertained, was there protest made to the proper authorities concerning this problem, concerning the fact there were

no Mexican American on the board?

A. Yes, sir. I protested not only the fact here we had no Mexican Americans, but generally speaking as far as I know about it, throughout the State of Texas.

In '48 I doubt if there were more than four or five Mexican draft boards in the whole United States.

I wrote the President of the United States, the Director. I did not want any state draft boards recognized because they were in violation of the Commendations of the Law of the Draft Act.

As a result of that we got here in Corpus Christi Mr. Ontiveros, and in Robstown Mr. Lopez, and that was the beginning.

At that time--after that the government decided to put a few of us Mexican Americans on the draft board.

Q. Doctor, would it be fair to say that generally where people have been appointed to boards, government boards, school boards, that generally it has been because of protests and action on the part of the Mexican American community?

A. It has been about the only way, because as far as

permission and appealing to reason and logic, compassion and understanding, it has been a great failure.

Q. Let me ask you this question, Doctor: In your opinion, are Mexican Americans treated and have they been treated as a separate group or classification apart from other whites or Caucasians in Corpus Christi and in the surrounding area?

A. Definitely so, Mr. DeAnda.

Q. Is there any question about that at all in your mind?

A. There is no question in my mind about that.

THE COURT: I would like to have the last question, please.

(The reporter read the question as follows: "Let me ask you this question, Doctor: In your opinion, are Mexican Americans treated and have they been treated as a separate group or classification apart from other whites or Caucasions in Corpus Christi and in the surrounding areas?)

"ANSWER: Definitely so, Mr. DeAnda.

"QUESTION: Is there any question about that at all in your mind?

"ANSWER: There is no question in my mind about that.")

MR. DEANDA: I meant to say in the surrounding area, Your Honor.

Pass the witness.

CROSS EXAMINATION

BY MR. GARY:

Q. Doctor, Garcia, you have given your residence as 410 Peerman Place. Could you tell me on Plaintiff's Exhibit 4 approximately where that is located?

This is Dodderidge Street, and this is Everhart.

A. Let's see, I would say--where is Almeda?

Q. Almeda must be about in here.

A. I would say it would be in this area here? (Indicating on exhibit)

Q. The doctor is pointing to Zone 38, which is the

Robert T. Wilson Elementary School zone.

When did you move to this location, Doctor?

A. I would say in the sixties.

Q. In the 1960's?

A. Or so.

Q. You say that you came to Corpus Christi in 1946. Where did you live in the first period of time?

A. In Ohio Street.

Q. Ohio Street is approximately how many blocks off of Louisiana?

A. I would say about one block, a block and a half.

Q. Is that considered to be in the south part of town from the standpoint of direction from the city?

A. Yes, sir. It is.

Q. Is that fairly close to the location of the home of Mrs. Ann Bright who lives at--I think her address is on Ohio? Here is the 400 block of Louisiana. You were within what, about four blocks at the most from that particular location, Dr. Garcia?

A. I wouldn't know where she lives, but according to what you say, it would be about right.

Q. The Ohio address is in Besser Park.

A. I really don't know.

MR. GRAY: While I have this witness on this particular point, Your Honor--

MR. DEANDA: If you state what you are trying to establish, perhaps I can stipulate it.

MR. GRAY: I am trying to establish the first location in the school zone in 1946, which was when the doctor moved on Louisiana Street--can we stipulate or agree it was somewhere in the neighborhood of what is presently 25 or 13? You are going to have to figure out which one it is--25?

MR. DEANDA: Whereever it is, I will stipulate it is whereever it is.

Q. In other words, Dr. Garcia, you moved into an elementary area that is known as the Menger School area, which shows on Plaintiff's Exhibit 4-A in light green color. We have established your location, Dr. Garcia, as being in an area No. 25. We have estabished your initial residence in 1946 in the City of Corpus Christi as being in the area shown on Plaintiff's Exhibit 4-A as No. 25, which is the Menger School zone.

A. That is wrong.

Q. Which school zone was it at that time, Dr. Garcia?

A. Well, in the first place, I said I got here in '46, but I didn't live in Ohio at that time. I lived in a hotel.

Q. You lived in the hotel?

A. Yes, part of a second story building in the Lozanos, at Staples and Agnes.

Q. And what time did you move?

A. I don't know. I would say it was about '46 or '47. Then I moved into Ohio.

Q. So in about 1948 you moved to Ohio Street?

A. That's correct.

Q. So it was 1948 you moved in the area that is currently the Menger School Zone?

A. I don't know about the school zone at that time. There was practically no buildings there. As I know, you know my children didn't go to that school. The location is correct.

Q. On our particular map, for identification purposes only, it is currently the Menger School.

A. Fine, if you say so.

Q. All right, sir. Didn't you move, Dr. Garcia, because you could afford to move there?

Q. Did I move because I could afford to move there?

A. Yes, sir.

Q. Yes, sir.

A. And again, Dr. Garcia, don't you live at 401 Peerman Place because you can afford to live there?

A. Certainly.

Q. Is anyone saying you can't live there?

A. Oh, I had trouble getting the lot. Brother, I had troubles. I had to get a good friend to get it for me. Prior to that I could afford to another area and every time we wanted to buy the lot, it was just a lot, they would say, "No, it's taken off the market."

Well, it would be put on the market again and we would try to move there and it was taken off the market.

Let me finish. You asked me. So we gave up.

Coming out of the army, you know the old sack--it makes no difference to me even now--but my family wanted to be close to the St. Patricks because that is where they were going to school. Well, I didn't want to go through

this thing again of being denied a lot. I say, "We are going to have to go in the area which is now Peerman which is already developed."

I had a good friend who was not identifiable as a Mexican American who got me the lot. It was rough.

Q. Do you have any neighbors now at 401 Peerman who are Mexican American, as you define them?

A. I would say we have some, yes, sir.

Q. Did they acquire their homes recently?

A. I would say they acquired them after I moved in. That is as much as I know.

Q. Do you know approximately--are you familiar with how much difficulty they might have had in moving into the particular--

A. They had some, yes.

Q. Let me ask you, Dr. Garcia, do you have a brother and a sister who are both doctors?

A. Doctors of medicine. There are differences of doctors, you know.

Q. In other words, they are doctors of medicine?

A. Yes, sir.

Q. You have a sister, Clotilde Garcia?

A. My sister.

Q. And you have a brother, Dr. J. A. Garcia?

A. That is my brother.

Q. Could you give me the addresses of these people?

A. I know Clotilde lives in Ocean Drive. Dr. J. A. lives here in Succets someplace.

Q. Did Dr. J. A. Garcia, for example, ever serve on the Delmar College Board?

A. Yes, he did.

Q. Does your sister currently serve on the Delmar College Board?

A. Yes, she does.

Q. How many children do you have, Dr. Garcia?

A. Well, I have four, but one of them got killed in an accident in Mexico, my son, and then of course that leaves only three daughters.

Q. Did the three daughters go to schools in the School District or parochial schools?

A. St. Patricks, and then Incarnate Word Academy.

Q. They went to parochial schools?

A. Yes, sir.

Q. And what hospital or hospitals do you practice, Dr. Garcia?

A. Mostly now at Memorial Hospital.

Q. But you can or do practice in others?

A. I can practice in any hospital in the City.

Q. All right, sir. You were discussing your being

founder of the American GI Forum. Are you acquainted with a veteran by the name of Joe Garcia?

A. There are a lot of Joe Garcias.

Q. This is a World War I veteran. Are you acquainted with him?

A. I understand Joe Garcia's office to be in Leopard Street.

Q. Does he belong to a particular group of GI's or veterans?

A. I think he belongs to most all organizations, yes, several of them.

Q. Do you know of any particular one or more-- I will ask the question, do you know whether or not he belongs to a particular post of the American Legion?

A. From what I can get from newspaper articles, he does belong to a particular post of the American Legion, one of them.

Q. How about Mr. Tea Gonzales, are you familiar with him a World War I veteran?

A. No.

Q. Do you know Arturo Vasquez?

A. I know him.

Q. Is he a member of the School Board?

A. He is the only Mexican American member on the Corpus Christi School Board.

Q. Do you know how long he has been on the Board?

A. Maybe ten, perhaps fourteen years.

Q. All right, sir. Do you think with the political makeup of this city he could be elected solely by the Mexican American people?

A. He could, yes. He definitely could. I think that is how he got in.

Q. Has he been--

A. Yes, he has.

Q. Let us take the most current election.

A. You asked me a question and I gave you an answer.

Q. I will ask you one question about initials. Now, I will ask you over the past few years has the voting, the constitution of the voting, been such that he could have won solely with the vote of the Mexican American people?

A. He could have--the South side goes into block voting because of his race, religion, ethnic background or Spanish surname--he could except the South side goes block voting against a person with a Spanish surname.

Q. Are you telling me the South side block voted against Dr. Vasquez?

MR. DEANDA: Your Honor, I haven't objected to this, but I don't think it is relevant as to who is going to vote for whom, speaking of a particular election. The only issue before the Court and the only issue upon which the doctor has testified is as to whether or not the Mexican Americans are an identifiable group within the community.

You can be an identifiable person and still get people to vote for you.

I don't think that could contribute to anything in particular to the issue before the Court and I don't think it would be relevant. I would object to it for that purpose, Judge.

MR. GARY: The purpose of this particular questioning, Your Honor, is that what might have been true in 1943 is not necessarily true in 1970, and we have a Bohemian Colony Tract that might have the same treatment in 1930.

THE COURT: Dr. Garcia, in your long experience here, your involvement in trying to help your people of the Mexican American

descent or Spanish American surnames, have you been making any progress? Are things getting better now for you?

THE WITNESS: Yes, sir. They are.

THE COURT: Are more people holding public office, more people appointed to boards?

Relatively so, yes, sir.

THE COURT: And that is taking place now?

THE WITNESS: No, not right now. I think--

THE COURT: Do you think you are in a period where you might have lost a little ground now?

THE WITNESS: I think, Your Honor, the feeling of the community and the State and the nation is one against minorities. I have been deeply involved in all levels of this matter. I can say yes, we have made progress--I can't deny that. But I think pay- the horrible price of going

to suits and cases, Federal Courts, and having to have practically a verbal confrontation and innuendoes--we have never received a fair proportion of representation in practically anything.

THE COURT: Well, now, Dr. Garcia, don't you think that we could go out here and find some Mexican Americans who would say just the opposite, who have made it, so to speak, in the Anglo culture, and they would say there has been no discrimination and they have made it, and I think they used the term in here the other day of "professional" --what was that term? I never heard it before. It was something like professional and everybody looked at Jim DeAnda. What was that word?

MR. DEANDA: I was looking for my witness, Dr. Carter. I don't know if it was a term he used or if he knows what we are referring to.

THE COURT: I thought he said professional Mexican. I thought everybody looked at you, Mr. DeAnda. You live out in a very affluent neighborhood, don't you?

MR. DEANDA: Yes, sir. I guess more than other neighborhoods, Your Honor.

THE COURT: Very well. Now, Dr. Garcia, you have demonstrated by your testimony that there has been a pattern of discrimination, in your opinion that that is being minimized somewhat but it is done at a high cost, I believe you said?

THE WITNESS: That's correct.

THE COURT: Rather than on a loving concern and a sweetness, it has been done in confrontation and power politics and protests and like that. Now, do you see any improvement, though? I mean, do you see where the Mexican Americans in this community are being accepted as a human and equal in the last few years?

THE WITNESS: Well, Judge, let me say this: I swore to tell you the truth and I am giving you my opinion. This is like the old iceberg. Up here on the surface you see what it is. One-eighth of whatever we have achieved out of the surface, all is well. Underneath, the other seven-eighths it is loaded. It is dynamite. There

is no understanding, there is no love, there is really no sincere love between the Anglos and Mexican Americans. There are professionals that have achieved success but also physiologically there are some of us that have such a glandular mark, and I am one, that nothing stops us.

I think in spite of illiteracy we have achieved. It was not the education; it was the physiological glandular makeup of the individual.

THE COURT: But don't you see a little progress?

THE WITNESS: Yes, sir. I say the progress is there.

THE COURT: Does the progress come from the heart, or is it forced?

THE WITNESS: That is it, it is forced. That is the harsh thing about it. It has been forced by tremendous feeling of frustrations and helplessness and lack of love and understanding. It has been forced all the way.

MR. GARY: May I ask Dr. Garcia a few more questions?

THE COURT: Yes.

Q. (By Mr. Gary) Dr. Garcia, you were talking about the LULAC and it was formed for the purpose of helping the Mexican American people. Did this use force to get a cooperative program going last year with the School District?

A. I didn't understand your question.

Q. Are you aware of the cooperative venture between the LULACS and the Corpus Christi Board of Trustees with respect to the dropout problem that was instituted last year, year before last?

A. I have read about it, yes, sir. I am not that much well aware about it.

Q. But you are aware that it might exist or does exist?

A. I am aware only to the fact that it was published in the newspaper.

Q. Are you an active member currently of the LULAC organization?

A. No, sir. I am not an active member right now.

Q. All right. As long as we are talking about getting together, have you been reading newspapers lately?

A. Sometimes--I'm sorry, but I go back as far

as two weeks without reading the newspaper. When I go on a trip I may take with me back as much as three months issues I have not read. I can then glance at the newspaper.

I don't necessarily read them. Sometimes I'm not that much up.

Q. I should have asked you the question, are you familiar with Mr. Oscar Soliz' ad running in the paper?

A. Yes.

Q. Could you tell me what the ad says?

A. I can say only that he is appealing to the people to help elect him for the District Clerk's job.

Q. Doesn't the title say, "Let's Pull Together"?

A. I guess it must say so.

Q. Is it signed by predominantly Mexican American, Anglo, or both?

A. I think both, but I don't know the proportions.

Q. Do you think that was forced, Dr. Garcia?

A. I don't know. You have to ask Mr. Soliz.

Q. All right, sir. Now, getting away from the generalities and getting back down to the teachers, you gave us some data that related to the 1965-66 makeup of the Corpus Christi Independent

School District on teachers and counselors and this sort of thing. Are you currently familiar with those ratios, Dr. Garcia?

A. Not exactly up to date on those ratios. I know there's been some improvement made on the number of people. I don't know exactly how much you would want me to be up on this matter.

Q. No, sir. I was just asking you if you were really familiar with the actual measurable progress that may or may not have been made over the past three or four years?

A. I'm not up to date on it, no, sir. I know there is progress made and I know more assistant principals have been assigned and I know some more principals have been assigned, so I think there has been some progress.

Q. All right, sir. Now, getting to the hospital records, I probably should ask counsel for the plaintiffs whether these constitute all of the records they could find that might mention the word "Latin American" or "Mexican American"?

MR. DEANDA: I did not make the research myself. It was made out of my office. Are you talking about the hospital records?

MR. GARY: I am talking about Plaintiff's Exhibit 22, the birth certificates.

MR. DEANDA: They are not every certificate that was in there, by a long shot. There were other certificates, many certificates. I didn't make the examination but there were many certificates, especially of more recent origin that describe Mexican Americans as members of the white race, if that is what you are getting at.

Q. In other words, the last date we have here that mentions Latin American or Mexican American is 1949.

MR. DEANDA: I wouldn't say so. We didn't look over all the records. I would say from what I have found out through associates in my office is that I would say certainly in the sixties that it was almost always acted on there as white. The notation was made in the birth records as white.

THE COURT: Then I assume they are using the white race to describe the Mexican American today in the hospitals here?

MR. DEANDA: I don't know.

THE WITNESS: I would say out of '68-69, '69 and '70, they leave the entry of race blank. As late as 1962 they were still classified as race, Mexican Americans or Latin Americans as late as '62.

Q. (By Mr. Gary) Dr. Garcia, would you examine Plaintiff's Exhibit 22 and actually tell me how many of those folks were actually born in Mexico? I think it will show--I think I have encircled it for you, Dr. Garcia.

A. Well, I don't think any of these children were born in Mexico, none.

Q. No, but it says--

A. You asked me.

Q. It says, "Birth place," under Section 12 of the statement--It says "of the father."

A. Oh, the father. I thought you meant the children.

Q. I didn't ask the question properly, Doctor.

A. That's all right. You have been good.

Q. So in identifying these people, the clerk who saw these people were born in Mexico and classified them as Latin Americans or in some cases Mexican Americans, is that correct, Dr. Garcia?

A. According to this thing, yes, sir.

MR. GARY: Your Honor, also while we are on this particular point I would like to also refer to Plaintiff's Exhibit No. 21, which is a compilation of statistics.

Q. Do you have a copy, Dr. Garcia?

A. Yes, sir.

Q. It is Plaintiff's Exhibit No. 21 that purports to be certain data on the median years of school completed by ages, and these are from 1950 and 1960 census of people who were twenty-five years of age and over.

I will ask you this, Dr. Garcia: Do you have any more current figures on the data which is shown here in Plaintiff's Exhibit 21 with respect to the educational accomplishment of the Mexican American adult? That is what we are talking about in these figures.

A. All right. They give you the breakdown and a little later on the Corpus Christi states--

MR. HALL: Your Honor, I wonder if I might clarify that question a little bit.

THE COURT: Yes, Mr. Hall. Please do.

QUESTIONS BY MR. HALL:

Q. Dr. Carter who testified earlier referred to this same median years of school completed by persons twenty-five years of age or over.

Now, the first thing that we are talking about when we say median, we mean that half of the people has completed more and half of the people has completed less, right? Is that correct?

A. You are only talking about--well, on the norm curve, I guess you would. The median would be the half of the middle of the curve on your graph.

Q. We are not talking about average now, we are talking about median, and statistically you have used the word median here in your statistics. Statistically median means half have completed more than four and a half and half have completed less than four and a half.

A. That would be correct.

Q. Okay. Now, something else about the statistics is that this is a survey only of those persons who are twenty-five years or more, isn't that correct?

THE COURT: On its face it shows that.

A. Yes, sir.

Q. All right. And you said that in 1950, the median years of school completed for persons of twenty-five years of age or more was 3.2, did you not?

A. That's correct.

Q. And then ten years went by and at the end of ten years in 1960 the median number of years was 4 1/2 years, wasn't it?

A. That's correct.

Q. Now, many of the children who have gone to school in that tenyear period, the whole ten years, wouldn't be included in that survey at all because they weren't twenty-five years of age, yet, isn't that correct?

A. They could have been fifteen.

Q. They would just be twenty five, wouldn't they?

A. Yes, but fifteen--you see, fifteen, sixteen, seventeen, eighteen, nineteen and twenty who still might be in the school system here.

Q. Could be, but the important thing is that the measure was only of people who was twenty-five years of age or greater, isn't that correct?

A. This is the yardstick, yes sir.

Q. All right. And so in that statistical survey you were eliminating many of the younger children and younger people twenty-four and less who had gone to school perhaps the full twelve years and you were including people who were thirty, forty, fifty, sixty, seventy years of age, correct?

A. Of course, I took that report from two census figures, and also the census figure is what they used--that is what they used. I didn't do the survey myself. I want to explain that. I didn't do the survey myself. I took it from the way it was given.

MR. DEANDA: Your Honor, If I may interpose an objection. It may save a little time. The 1950 census shows the figure to be 3.2, I believe, for the Mexican American; 9.4 for all the population; and in 1960 it would be 4.4 for the Mexican American, is that correct, and 12.2 for the Anglo population, and these are Conpus Christi computations for these two periods 1950 and 1960.

THE COURT: Mr. Hall, why don't we

do this? Those figures are available in many places and the Court knows the difference between median and average. I don't think it is important.

MR. HALL: I just wanted to bring out, Your Honor, that the disparity is explained by, for example, the birth certificates showing many of these people born in Mexico, and so forth, which undoubtedly has a factor on these figures.

THE COURT: In studying statistics they used to call them "Damned liars and statisticians."

MR. WOLF: May I point out to Your Honor, so we don't go awry on figures, Plaintiff's Exhibit 8 is an exact copy of the census tract for Corpus Christi and it includes the registration in the various grades. It also includes the median figures for persons of twenty-five years and older and breaks it down into the number of school years completed in elementary and high school and college, and then gives the median, so these figures are here before the Court. They are here and they are

available to Mr. Hall in Plaintiff's Exhibit 8.

THE COURT: Let's don't get mad about it.

Do you have any other questions to ask Dr. Garcia?

MR. GARY: Yes, sir. I have Plaintiff's Exhibit No. 24 that relates to the School Board. I don't have a date on it and I would like to clarify the date.

MR. DEANDA: It was 1950, I believe.

Q. (By Mr. Gary) Is that your information Dr. Garcia?

A. 1950 is the date. Is that about Mexican Americans at this time? It is more like Americans. Is that what you are referring to?

Q. No, the other one, '62.

A. That was 1950. That was Dr. Phillip's case.

We had to shoot him because of the election.

THE COURT: That is hard to realize that in 1950, twenty years ago.

THE WITNESS: It seems a long time.

THE COURT: Almost a quarter of a century.

THE WITNESS: And so little progress

made.

THE COURT: Mr. Gary, we are going to have a recess. We will have a ten-minute recess

---

(Short recess)

THE COURT: You may proceed, Mr. Gary.

Q. (By Mr. Gary) Dr. Garcia, you mentioned that a Mexican American had not been elected mayor in the City of Corpus Christi. Has a Mexican American run for the position of mayor in the last ten or fifteen years?

A. Not that I know, no, sir.

Q. Even though this may be speculative, Dr. Garcia, could you perhaps estimate or guess why Mr. Soliz chooses to run at this time for District Clerk?

MR. DEANDA: I object to that as being wholly irrelevant and being very speculative.

THE COURT: How is that relevant?

MR. GARY: I will withdraw the question, Your Honor.

Q. Dr. Garcia, if you will look again at Plaintiff's Exhibit 4-A, which shows the various elementary schools in the City of Corpus Christi--and you have practiced medicine in this city for the last fourteen, sixteen years, have you not?

A. Yes, sir.

Q. Are you familiar with the economic make-up of the city?

A. I would say.

Q. Where the better houses are, the most expensive, and the middle-class houses and then the lowest price houses?

A. I would say so, yes, more or less.

Q. Would you say that the dark green area represents the concentration of the least expensive homes in the City of Corpus Christi, as compared to the areas which are striped or hatched and the areas that are in the light green?

In other words, if you were treating a patient out here along Weber or Dodderidge, would you expect him to live in a considerably better home than someone that might live in the middle of town say in Section 20?

A. My office is in the worst port area. I would

very seldom see these patients. I treat mostly poor people.

Q. You are talking about this poor area, an economic area, is that not correct?

A. I would say an ethnic segregated area.

Q. Do you have any patients that live outside this particular area?

A. I have patients from all over the county and out of the county.

Q. These patients that are out of this particular area where your office is, do you ever visit them in their homes or make house calls or do they come to your office?

A. Most of them come to my office.

Q. Do you know where their residence is?

A. I would say so.

Q. Would you say the patients in the light green areas on the map live in considerably more expensive homes than those who live in this area?

A. Yes.

Q. In the area of the dark green. All right.

A. There, again, in this area here, I am more familiar with the area, your dark green area north and north of Port, and probably five or

six south of Port.

Q. You are talking about the areas that are marked with the 1-A, 20, 37, 9, 4, 23, 43, and 2 and you recognize of course, Dr. Garcia, this area here is not in the school district, so it is not to be considered in this particular--

A. It involves all the areas in the city, though.

Q. I did understand you to say, however, the people in this area marked with the light green, would you expect to have them live in considerably more expensive homes than those in the area marked by 1 or by 20 on the map?

A. Yes, sir.

MR. GARY: I think that is all, Dr. Garcia.

THE COURT: Can you think of anything else to ask him?

MR. DEANDA: No, Your Honor.

THE COURT: Thank you, Dr. Garcia.

(Witness excused.)

THE COURT: Mr. Wolf, you may call

EXHIBIT 2, GARCIA DEPOSITION

Corpus Christi Times, April 5, 1962

LET'S ALL BE AMERICANS

LET'S VOTE LIKE AMERICANS

On Saturday we are to elect three Regents of Del Mar College. There are four candidates. Three of them are Anglos. The fourth is of Mexican ancestry. The three candidates who receive the most votes will be elected.

If the same thing happens that has happened in many previous elections, a letter signed by Latin American leaders will be mailed a day or two before the election to voters in the Del Mar district who have Latin names.

That letter, if it is like earlier ones, will urge every voter of Mexican ancestry to vote for the Latin candidate "solamenta."

That is, each voter will be asked to vote for oen candidate only, the Latin American, instead of for three. Every voter who does this deprives two other voters of one vote each, and gives an unfair mathematical advantage to the Latin American candidate.

This provess is called "single shotting." It has brought about the election of candidates for reasons of race, and without regard to comparative capabilities of candidates.

The process is un-American and un-Democratic. It is, in fact, self-imposed segregation. And Del Mar College led the way in desegregation in this area.

This "single shotting" process, in use over a term of years, has culminated in political organizations set up for the avowed purpose of electing citizens of Mexican descent to public office.

Inevitably, this process, if continued, will pit race against race. Already some Anglo voters are retaliating by refusing to vote for any candidate who has a Latin name.

We whose names are signed to this statement have been members of the Del Mar Board. We are proud of the progress that Del Mar has made and of the service it has rendered. We are sorry to see any effort to make a political footbal of Del Mar, or to use it to gain political advantage for any racial group or its leaders.

We urge all citizens of Mexican extraction to repudiate the efforts of those would-be leaders who ask votes for racial reasons.

In the Del Mar election, and in every other election, let all of us be good Americans and vote for the best qualified candidate regardless of race. Do not forfeit a part of your American right to vote for or against every candidate.

RAY WEST J.A. (DUTCH) REKTORIK

FRANCIS I. GANDY EARL R. CANTWELL

(Pd. Pol. Adv.)

EXHIBIT 3, GARCIA DEPOSITION

KRYS

1360

CORPUS CHRISTI, TEXAS

Have you voted today? Surveys from 16 polls on the west side of our city show that an unusually large number of people representing labor unions are voting in today's city runoff election. The count right now already exceeds the number who voted May the First. By contrast, on the south side of our city, the vote is very light and there were no lines at the polls. The steelworkers union that is helping to turn out this vote is the same group that sponsored the school busing case. You and I owe it to ourselves and our children to take a few minutes of our time to go vote so these special interest groups will not have the opportunity to improperly assert their influence on the school busing issue effecting our entire community. A little effort now can decide this election. This statement paid for by concerned parents, Michael Kendrick, Organizer.

THESE SPOTS WERE PASSED ON KRYS ON SATURDAY, MAY 22, 1971

1 time at 3:00 p.m.

5 times between 3:00 p.m. and 4:00 p.m.

4 times between 4:00 p.m. and 5:00 p.m.

THESE SPOTS WERE RUN ON OTHER RADIO STATIONS ALSO BESIDES KRYS RADIO STATION

EXHIBIT 4, GARCIA DEPOSITION

CONCERNED NEIGHBORS, INC.
P. O. Box 1518
Corpus Christi, Texas 78403
May 18, 1974

Re: Report on Current Developments Affecting Federal Desegregation Case.

Dear Concerned Neighbor:

Although we have been inactive to a certain extent since Hurricane Celia, we have made every attempt to keep current on all the developments in the school desegregation case and other developments that affect that case. To bring you up to day, Mr. Sneed and Mr. Scott T. Cook, the attorney for Concerned Neighbors, met with Dr. Williams and reviewed the present status of the school desegregation case and were informed of the continued position of the School Board to resist all efforts of the Court and the Plaintiffs to impose forced busing in the City. In addition, on the morning of May 7, 1971, Mr. Sneed, Mrs. Darlington, Mr. Clark and Mr. Cook met with three officials of HEW and made known the position of Concerned Neighbors concerning the busing of the school children of the City and the results of the Concerned Neighbors' investigation of the entire matter.

In addition to our group, another member of Concerned Neighbors, Mr. Saenz, had requested an audience with the HEW officials and appeared to converse with them at the same time we did. He made a very fine

presentation to the HEW officials and made a strong persuasive argument in favor of preserving the neighborhood schools and against forced busing in the community.

As a result of that conversation, we felt somewhat encouraged that the HEW officials were looking at the matter with as much objectivity as could be expected, in view of the Order under which they were operating from Judge Seals. It appears that Judge Seals has order HEW to present a plan to effect a unitary school system in Corpus Christi, which plan assumes that the school system has hereto fore discriminated against and fostered segregation in the schools among the Anglos, the Mexican-Americans and the Negro school children. It was our impression when we left the conference with the HEW officials that their plan would attempt to minimize displacement of children from the neighborhood schools as near as possible and still be consistent with the Order of Judge Seals.

We have been assured by the Superintendent of Schools and the attorneys for the School Board that any Order entered by Judge Seals or plan adopted by Judge Seals which does displace the school children or involves the busing of school children from their neighborhood schools to schools away from their own neighborhoods will be appealed to the Fifth Circuit Court of Appeals and the Supreme Court, if necessary.

It has also come to our attention that another matter currently before the voting public of Corpus Christi could significantly affect the school desegregation case and our objectives. As our original goals state, our purposes have been to preserve the neighborhood school concept and to promote education for all the school children, regardless of race or ethnic background. It now appears that these objectives may be affected by the run-off City Council Election to be voted on May 22nd. In view of these developments, we thought is proper and necessary to bring to your attention certain facts concerning some of the candidates in each of the two slates, that is the NOW PARTY slate and the PEOPLE'S PARTY slate.

The only candidate in the NOW PARTY which has made his views on the desegregation case known publicly is Dr. Roberto Bosquez running in Place 2 on the NOW PARTY ticket. On numerous occasions Dr. Bosques has made it clear that he has supported the School Board in its efforts to preserve the neighborhood schools and has consistently and persistently

as a member of the committee of twelve appointed by Judge Seals, opposed all those who were attempting to force busing of the school children throughout the district. The remaining candidates on the NOW PARTY slate, that is: Ronnie Sizemore, Mayor; J. Howard Stark, Place 1; Gabe Lozano, Sr., Place 3; Charles A. Bonniwell, Place 4; Ben D. Marks, Place 5; and Thomas V. Gonzalez, Place 6, have not made known in public their views concerning the school desegregation case, but each have indicated, as has the present City Council, that they believe the City Council has no proper function in injecting itself into the desegregation case or the matters arising therefrom.

On the PEOPLE'S PARTY slate, Oscar H. Reyna, running for Place 4, is an organizer for the Steel Workers' Union and answers to Paul Montemayor, his superior, who is an official of the Steel Workers' Union. As you will recall, the Plaintiffs in the school desegregation case, that is, Jose Cisneros, et al, who filed the suit against

the School District, were financed by the Steel Workers' Union and Paul Montemayor, to whom Oscar H. Reyna answers, testified in the case in support of the Plaintiffs and against the School District and neighborhood schools, Dr. Hector Garcis has been vigorously campaigning for his nephew, J. A. "Tony" Canales, the PEOPLE'S PARTY candidate for Place 6. As you will recall, in the first hearing held before Judge Seals, Dr. Garcia testified in support of the Plaintiffs and against the School District and supported the proposition of busing of the school children across the district. PEOPLE'S PARTY candidate, Ben F. McDonald, is a former law partner of James DeAnda, the attorney for Jose Cisneros and the other Plaintiffs in the school desegregation case, and a close associate of Mr. DeAnda. Mr. DeAnda is a major campaign supporter for Mr. McDonald in the City election. In addition, Mr. McDonald was the former campaign manager for Senator Yarborough and Senator Bentsen. Senator Yarborough has given aid, comfort and support to the Plaintiffs in the school desegregation case throughout the time it has been before the Court. George E. Clower, Jr., running for Place 2 on the PEOPLE'S PARTY slate, is a close associate of Mrs. Jim Alice Scott. Mrs. Scott is an organizer and an action member of Education Unlimited, which has persistently pursued the Plaintiff's objectives in the desegregation case and advocated the forced busing of the school children.

The remaining candidates on the PEOPLE'S PARTY slate have not indicated publicly their position with respect to the desegregation case.

The present City Council has not entered into the issues involved in the busing case, with which we are so vitally concerned. In fact, the present City Council has stated that the City Bus system is inadequate for the proposed busing of our school children.

The above facts are presented to you concerning the City run-off election to be held May 22nd for the purpose of informing you of the facts with respect to the candidates on each of the two slates which will appear on the ballot, insofar as those facts concern our objectives. We have not attempted and do not present any facts concerning any of these candidates with respect to any other subject other than as it affects our own objectives of preserving the neighborhood shcool concept and promoting education for all, regardless of race or ethnic background.

As matters develop in the desegregation case, we will again attempt to keep you informed of developments as they occur.

Very truly yours,

J. T. SNEED

C. R. CLARK

MRS. MARSHA DARLINGTON

R. S. BANNER

KEN BYRAM

MRS. RITA CROWNOVER

HOBART KENNEDY

B. G. KOHUTEK

J. E. REICHERT

L. K. SCHULTZ

T. E. THOMPSON

B. L. HOWE

TURN OUT AND VOTE MAY 22ND
DON'T LET OTHERS DECIDE YOUR CITY'S FUTURE

EXHIBIT 5, GARCIA DEPOSITION

CONCERNED NEIGHBORS, INC.
P. O. BOX 1518
Corpus Christi, Texas 78403

On Saturday, April 1, 1972, two places on the Corpus Christi Independent School District Board will be decided by public vote. The strength of the anti-busing efforts in Corpus Christi will be shown by the outcome of this local election. If you, the members of Concerned Neighbors, feel the threat of massive busing is over, you are mistaken! Our stay from the District Court is over July 1, 1972, and that could be shortened by a ruling from the Circuit Court. Electing School Board members dedicated to the neighborhood school concept is of the utmost importance to our case.

It is important that every member turn his attention toward the forthcoming election. The Board and Officers of Concerned Neighbors have endorsed two outstanding candidates for Places 6 and 7. Mrs. Marsha Darlington, a mamber of the Concerned Neighbors Board, is our choice for Place 7, and Dr. Cornell Barnard, incumbent, is recommended for Place 6. Be certain to exercise your right and duty as a citizen and vote for your candidates on Saturday, April 1.

Recently, Mr. Irwin Brown, President of N.A.A.C.P. presided over a Balck Ministerial Alliance meeting held for the purpose of meeting candidates for the School Board. At this meeting, Mrs. Hopkins, Mr. Richard Hicks, Mr. Johnny Bilano, and Mr. Emmanuel Saldana all stated publicly they

Justice Department intervention and in turn resulted in the Supreme Court's staying the lower court ruling for our Corpus Christi schools. Mrs. Darlington just returned from Pontiac, Michigan, where she participated in a nationwide conference of nieghborhood school advocates. Her service on the Tri-Ethnic Committee of 18 (formerly the Committee of 12) is also being carried on to advise the Federal District Judge. Her name was placed in nomination by the C.C.I.S.D. defendants.

Both of our endorces candidates have had extensive participation in school-oriented activities in our community and are well qualified. Your vote on April 1 will be a vote for the concerns and aims we have collectively supported through our organization, CONCERNED NEIGHBORS, INC.

We encourage you to turn out to vote. Absentee ballots must be filed before 5:00 p.m. on March 28 at the School Administration Building.

L. K. SCHULTZ	NEAL TURNER
F. G. HOWE	B. J. KOHUTEK, JR.
JIM SNEED	PAUL M. STRUNK
K. M. BYRAM	CAROL ZAVALA
ELIDA GONZALEZ	RITA CROWNOVER
THELMA L. PRESCOTT	FERALIAN SORRELL

EXHIBIT 6, GARCIA DEPOSITION

IT COULD BE LATER THAN YOU THINK

DR. FOY H. MOODY, ERNEST N. MILLS and ROY R. GILLELAND are completing their first term on the School Board, and have, upon the written petition of several hundred patrons of the School District agreed to stand for re-election to a second term.

Dr. Moody, Mr. Mills and Mr. Gilleland have made exceptionally fine Board members. During their three years of service on the Board, teachers salaries have been raised to the highest level in the history of our schools, and more money has been spent on school buildings, in an effort to get all children off half day schedules than has ever been spent before in our school system in any similar length of time.

It was hoped by many patrons of the School District, who are genuinely interested in the betterment of our schools, that Dr. Moody, Mr. Mills and Mr. Gilleland would be accorded re-election to a second term (which their services and experience so richly merit) without opposition--and especially without opposition predicated on a racial basis.

Now, and for many years past, our Latin-American friends have had one of their own race on the School Board,--as is frankly agreed by all fair thinking people that they should have. However, this present Latin-American member still has two (2) years to serve on his current term, and naturally it was thought that our Latin-American friends would make no attempt to put an additional member on the School Board at this time,--and certainly not for specific

thought our School Board was operating a dual school system--the same belief that led Judge Seals to order the busing of 15,000 children. Following this meeting, the group expressed their support of Mrs. Hopkins and Mr. Saldana. Mr. Johnny Bilano has publicly stated he believes the use of buses is helpful in carrying out a sound education program.

Miguel Carranco and Frank Garcia are supported by La Raza. Concerned Neighbors has been solicited to support other independent candidates but after thorough study of the aspirants to these two places, we unanimously endorsed Mrs. Darlington and Dr. Bernard.

Dr. Barnard presently serves on the School Board and has held fast in his position to oppose busing in our School District. His efforts have been to serve all elements of the city and his willingness to want to serve, in light of the events of the recent past, readily suggests his integrity and wisdom to serve adequately.

Mrs. Darlington was one of the founders of Concerned Neighbors and has served in many capacities in the organization. She was a speaker at our mass rallies, a shopping center worker, and an organizer of newsletters in the past. She took an active role in the Comprehensive School Report conducted by C.N.I.

Mrs. Darlington met with the H.E.W. representatives when they entered the court case in Corpus Christi. She was the spokesman for the Washington, D.C. delegation that was successful in obtaining

purpose of attempting to defeat an experienced Anglo-American member for a second term. But such does not seem to be the case for in the March 17th issue of the Latin-American publication "La Verdad", which designates itself as the Official Organ of the G. I. Forum (headed by Dr. Hector P. Garcia) there appeared on the first page of said publication a strong endorsement of Oscar Phillips as a candidate for the School Board, imploring all Latin-Americans to cast a vote for him.

We feel that it is most unfortunate when a few members of any race seek to gain, step by step, control of our public institutions, and especially such control of our free public schools.

If you subscribe (and we believe you will) to the above principle, we earnestly urge you to let nothing prevent you from going to the polls next Saturday to help put a stop to such an attempt to involve our schools in racial politics. Not of our choosing, and much to our regret, the racial issue has been injected into this election by a politically ambitious minority group. Such being the case, we sincerely believe that you and your friends will best serve the interests of your schools and your community by voting to re-elect Dr. Moody, Mr. Mills and Mr. Gilleland.

<u>It could be later than you think--if you fail to vote Saturday, April 1st</u>.

FRIENDS OF OUR
PUBLIC SCHOOLS

EXHIBIT 7, GARCIA DEPOSITION

Dear Fellow Citizen:

Were you one of the 18% of the qualified voters of the Corpus Christi Independent School District who voted in the last School Trustee Election on April 1st?

If not, think of it! Only 5,716 people out of 31,740 qualified to vote in said School Election did so.

We all realize the importance of our schools to our City,--yet we apparently did not care enough about them to take thirty minutes, or less, to go to the polls and help select the men who will be charged with the responsibility of running our schools.

We have a chance to redeem ourselves. On Saturday, July 8, 1950 a special runoff School Trustee Election is being held and <u>you</u>, a poll tax payer, can vote.

Please, by all means, post yourself on the qualifications of the candidates right away; mark this important date on your calenday and remind all of your friends to do likewise. When the time comes won't you please do your dity and exercise your right and privilege of citizenship by voting:

IN THE SCHOOL TRUSTEE ELECTION JULY 8TH?

Since some of the school precincts have recently been changed in their boundaries a list of the voting places is enclosed for your information

so that no confusion will arise as to where you will vote on July 8th.

Sincerely yours,

Wesley E. Sealy, President
Rotary Club

J. F. Wakefield, President
Lions Club

Burdette Wein, President
Co-Operative Club

Jim Crace, President
Six Points Kiwanis Club

Lee Blackwood, President
North Beach Kiwanis Club

W. A. Cunningham, President
Kiwanis Club

Merle Griffin, President
Optimist Club

June Yates, President
Exchange Club

Roy Duncan, President
20 - 30 Club

Reba May, President
Business and Professional Women's Club